References:

1. Invasive Gardening and Landscaping Plants of the Southern Willamette Valley, Native Plant Society of Oregon, Emerald Chapter, updated April 2002.
2. Oregon's Quarantine Against Noxious Weeds, Oregon Department of Agriculture, from http://www.oda.state.or.us/Plant/Weed_control/NoxWeedQuar.pdf accessed on 04/10/02.
3. Draft of Exotic Pest Plants of Greatest Ecological Concern in Oregon and Washington; May 23 1997, The Pacific Northwest Exotic Pest Council, from http://www.wnps.org/eppclet.html accessed on 04/10/02,
4. NW Oregon most harmful invasive plant species list: based on information provided at & before the October 10, 2001 meeting in Salem BLM, Bureau of Land Management, Salem District, 2001.
5. City of Eugene staff recommendation based on resources required to remove species from parks, open spaces and waterways.

EXHIBIT D

Revisions to Eugene Land Use Code

1. Section 9.0500 of the Eugene Land Use Code is amended by amending the definition for "Native Plants, Native Vegetation," and adding a definitions of "Goal 5 Water Resource Site" and "Invasive, Non-Native Plants" in alphabetical order therein, to provide:

9.0500 Definitions. As used in this land use code, unless the context requires otherwise, the following words and phrases mean:

Goal 5 Water Resource Site. As used in EC 9.4900 to 9.4980 and 9.8030(19), the resource site as identified in the Goal 5 Water Resources Conservation Plan. For riparian corridor and upland wildlife habitat sites, the Goal 5 Water Resource Site includes the stream and riparian areas that may extend beyond applicable conservation setbacks. Wetland sites include only the wetland, itself.

Invasive, Non-Native Plants. Plant species included in Part 4 of the list adopted as Exhibit H to Ordinance No. P.A. [insert Ordinance No.], or as subsequently amended by administrative order of the City Manager pursuant to EC 2.019.

Native Plants, Native Vegetation, (including native trees and native shrubs). Plant species identified as "Native Plants" or "Native Vegetation" in accordance with the lists adopted as Exhibit H to Ordinance No. P.A. [insert Ordinance No.] subsequently amended by administrative order of the City Manager pursuant to EC 2.019.

2. Table 9.1040 of the Eugene Land Use Code is amended to add the /WR Water Resources Conservation Overlay Zone thereto:

9.1040 Establishment and List of Overlay Zones. The overlay zones listed in Table 9.1040 Overlay Zones are established as follows:

Table 9.1040 Overlay Zones	
Overlay	**Description**
/WP	Waterside Protection Overlay Zone
/WR	Water Resources Conservation Overlay Zone

3. Subsection (1)(c) of Section 9.2751 of the Eugene Land Use Code is amended to provide:

9.2751 Special Development Standards for Table 9.2750.

(1) Density.

(c) For purposes of calculating net density, the acreage of land considered part of the residential use shall exclude public property, including streets, parks, and other public facilities. In calculating the minimum net density required for a specific lot or development site, the planning director shall round down to the previous whole number. In calculating the maximum net density allowed for a specific lot or development site, the planning director shall round up to the next whole number. At the request of the developer, the acreage also may exclude natural or historic resources. For purposes of this section, natural resources include those designated for protection in an adopted plan and the area within natural resources protection or conservation setbacks that have been applied to the development site. For purposes of this section, historic resources include historic property and resources identified in an official local inventory as "primary" or "secondary." It may also include additional natural or historic resources upon approval of the planning director.

4. The following caption and Sections 9.4900, 9.4910, 9.4913, 9.4915, 9.4920, 9.4930, 9.4940, 9.4950, 9.4960, 9.4970, and 9.4980 are added to the Eugene Land Use Code, to provide:

/WR WATER RESOURCES CONSERVATION OVERLAY ZONE

9.4900 **/WR Water Resources Conservation Overlay Zone - Purpose.** The purpose of the /WR Water Resources Conservation overlay zone is to provide conservation of significant riparian areas, wetlands and other water-related wildlife habitat areas included on the city's adopted Goal 5 inventory. In order to conserve these resources and the biological systems they contain and support, the overlay zone not only conserves the physical resources but also protects the water quality within the resource areas as a fundamental and essential requirement for continued survival of these biological systems.

9.4910 **/WR Water Resources Conservation Overlay Zone - Applicability.** The /WR Water Resources Conservation Overlay Zone applies to all property to which the /WR Water Resources Conservation Overlay Zone has been applied through the city's rezoning process or through automatic rezoning upon annexation.

9.4913 **/WR Water Resources Conservation Overlay Zone – Relationship to Other Zones.** The provisions of the /WR Water Resources Conservation Overlay Zone shall control over other zoning provisions on all property to which the /WR Water Resources Conservation Overlay Zone has been applied as provided in EC 9.4930(1).

9.4915 **/WR Water Resources Conservation Overlay Zone - Siting Requirements.** The /WR overlay zone shall be applied to property that:

(1) Is not already designated for protection or restoration by the West Eugene Wetlands Plan;
(2) Meets the other approval criteria of EC 9.8865; and
(3) Includes a Goal 5 Water Resource Site identified for conservation in the Goal 5 Water Resources Conservation Plan or includes land within the /WR Water Resources Conservation Area as described in EC 9.4920.

9.4920 /WR Water Resources Conservation Overlay Zone – Components of /WR Conservation Area.

(1) Except as provided in Subsections (5) and (6), the component areas of the /WR conservation area for Goal 5 Water Resource Sites are described and defined as follows:
  (a) For riparian corridor and upland wildlife habitat sites E35, E37, E38, E81, E86, and E88, the /WR conservation area consists of the area between the top of high bank on both sides of the stream and the area within the applicable conservation setback.
  (b) For riparian corridor sites not listed in subsection (a), the /WR conservation area consists of the area within the Goal 5 Water Resource Site and the area within the applicable conservation setback.
  (c) The conservation setback for a particular riparian corridor or upland wildlife habitat site is determined based on whether it is a Category A, B, C, D or E stream in the Goal 5 Water Resources Conservation Plan. Conservation setbacks are measured horizontally from the top of the high bank as set out in 1., below, or, only when the top of high bank is not identifiable, from the line of ordinary high water, as set out in 2., below.
    1. For conservation setback distances measured from the top of the high bank, the top of high bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of the high bank.

Resource	Conservation Setback
Category A Streams	100 feet
Category B Streams	60 feet
Category C Streams	40 feet
Category D Streams	20 feet
Category E Streams	no conservation setback

    2. For conservation setback distances measured horizontally from the line of ordinary high water, top of high bank shall be considered not identifiable when both of the following are lacking: an abrupt or noticeable change from a steeper grade to a less steep grade, and a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. In a given stream, pond, or other water body, the line of ordinary high water is the line on the bank or shore to which seasonal high water

rises annually identified in the field by physical characteristics that include one or more of the following:

a. A clear, natural line impressed on the bank by the presence of water, flowing water or waves.
b. Changes in the characteristics of soils.
c. The presence of water-borne litter and debris.
d. The uppermost limit of destruction of terrestrial vegetation by the presence of water, flowing water or waves.

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data is available. Conservation setback distances measured from the line of ordinary high water are as follows:

Resource	Conservation Setback
Category A Streams	120 feet
Category B Streams	75 feet
Category C Streams	50 feet
Category D Streams	25 feet
Category E Streams	no conservation setback

(2) Except as provided in Subsections (5) and (6), the 2 components areas of the /WR conservation area for water features identified as wetlands to be protected in the Goal 5 Water Resources Conservation Plan are described and defined as follows:

(a) The Goal 5 Water Resource Site.

(b) The area within the applicable conservation setback. The conservation setback for a particular site is determined based on whether it is a Category A, B or C wetland in the Goal 5 Water Resources Conservation Plan. Conservation setback distances for wetlands are measured horizontally from wetland boundaries established under the "Goal 5 Locally Significant Wetland Sites Within the Eugene Urban Growth Boundary" map or if provided by the property owner, from the jurisdictional wetland boundary accepted by the Oregon Department of State Lands. Conservation setback distances are as follows:

Resource	Conservation Setback
Category A Wetland	50 feet
Category B Wetland	25 feet
Category C Wetland	no conservation setback

(3) To determine the /WR conservation area for sites in which wetlands exist along with either an upland wildlife habitat site or a riparian site, the /WR conservation area for each of the individual water features shall be calculated and mapped separately, and the total footprint of all the individual /WR conservation areas combined shall be the /WR conservation area for that site.

(4) The /WR conservation area for properties having the S-RN Royal Node Special Area Zone and the /WR Water Resources Conservation Overlay Zone shall be limited to that area designated "drainage corridor" on Map 9.3805 S-RN Royal Node Special Area Zone and Subareas of this Land Use Code.

(5) Areas which the applicant has shown to have been developed prior to [insert Ordinance effective date], are excluded from /WR conservation areas. For purposes of this subsection, "developed" means within the footprint of a legally constructed:

(a) Building, or other substantial structure constructed on a concrete foundation;
(b) Permanent dwelling (including manufactured dwelling) constructed without a concrete foundation;
(c) Permanent deck or patio that is attached to a structure listed in subsection (a) or (b) above; or
(d) Paved or gravel parking area, road, or driveway that serves uses in an adjacent building or structure listed in subsection (a) or (b) above.

Fences and landscaping do not cause an area to be "developed" to warrant exclusion from the /WR conservation area.

(6) Where an existing development under subsection (5) above or an existing developed street physically isolates a portion of the conservation setback area from the resource site, that isolated portion of the conservation area shall be excluded from the conservation area.

9.4930 **/WR Water Resources Conservation Overlay Zone - Permitted and Prohibited Uses and Exceptions.** Uses are permitted or prohibited within the /WR Water Resources Conservation Overlay Zone based on whether they occur inside or outside the /WR Conservation Area as defined in EC 9.4920, as follows:

(1) Uses Permitted Outside the /WR Conservation Area. The uses permitted on portions of properties located outside of the /WR conservation area are the same as those otherwise permitted without consideration of the /WR Water Resources Conservation Overlay Zone.

(2) Uses Permitted Within the /WR Conservation Area. Subject to subsections (3) and (4), and any applicable development permits, the following uses are permitted within the /WR conservation area:

(a) Removal of refuse.
(b) Removal of any fill that is in response to a written determination from a regulating agency that the fill is in violation of local, state or federal regulations.
(c) Removal of plants that are non-native and invasive, provided that any significant tree within 25 feet of a Category B, C or D stream that is removed under this subsection must be replaced within 6 months by a native tree that will grow to similar (or greater) size, height and canopy spread as the one removed. Trees with large canopy spread or height may be replaced by multiple trees that, in combination, will provide similar height and canopy spread.
(d) Planting or replanting with native plants.
(e) Maintenance of access roads or pathways and channel maintenance practices used to maintain stormwater conveyance and flood control capacity as required by local policies, local, state and federal regulations, and intergovernmental agreements.
(f) A public entity's removal of vegetation by mechanical or manual means within a strip not to exceed 15 feet wide from publicly owned property within the /WR conservation area where that property abuts private property that is not within a /WR conservation area.
(g) Repair or replacement of a privately-owned, culverted stream crossing within the same total footprint as the original culvert and crossing.
(h) Construction of low impact trails with no impervious surface, not to exceed 3 feet in width.

(i) Planting or removal of plants within an area that, prior to [insert Ordinance effective date], was cleared of native vegetation and intentionally planted with ornamental landscape plants. Expansion of the landscaped area through additional clearing of naturally established native plants within the /WR conservation area is prohibited.

(j) Removal of vegetation that the city fire marshal has declared poses a potential fire hazard to existing structures. Written documentation of the fire marshal's declaration, including a description of the location of the structure and the location of the vegetation to be removed, shall be provided to the planning director prior to the removal. The removal shall be limited to the extent specified by the fire marshal's declaration.

(k) Removal of hazardous tree(s), so long as prior to removal the property owner submits to the planning director a written evaluation of each tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous and recommending immediate removal. The written evaluation shall be on a form prescribed by the city manager pursuant to section 2.019 City Manager – Administrative and Rulemaking Authority and Procedures.

(l) Removal of trees or shrubs that are neither native plants nor non-native, invasive plants, provided that each tree and shrub over 5 feet in height that is removed within 25 feet of a Category B, C or D stream is replaced within 6 months by a native tree or shrub. Replacement of a tree must be with a tree that will grow to similar (or greater), size, height and canopy spread as the one removed. Trees with large canopy spread or height may be replaced by multiple trees that, in combination, will provide similar height and canopy spread.

(m) Construction of a stream crossing with a culvert or bridge for a private access road over a Category E stream, where no other point of access to an adjacent street or road is available.

(n) Maintenance, repair, and reconstruction of utility facilities existing as of [insert Ordinance effective date] where such action will involve excavation or ground disturbance within the conservation area of 500 square feet or less, and where such action is necessary to maintain access, maintain or improve safety, maintain proper functioning or is required by local policies, local, state or federal regulations, or intergovernmental agreements. See subsection (3)(d) of this section for maintenance, repair and reconstruction activities that are subject to the standards review process.

(o) Emergency repair of a failing slope or eroding channel bank, provided that, within one week of commencing the repair work, the owner of the subject property submits to the planning director a written evaluation of the bank failure prepared by a certified engineer that includes:

1. A description of the location, extent and probable cause of the slope or bank failure,
2. A determination that the slope or bank failure constitutes an emergency and threatens public safety or the structural integrity of an adjacent or downstream legally constructed structure,
3. A declaration that immediate repair of the slope or bank failure is necessary to protect public safety or the structural integrity of structure(s) described under subsection 2.
4. A statement that the method of repair will minimize impacts to

riparian and in-stream habitat to the greatest extent practicable. Consistency with the provisions of this subsection do not exempt the property owner from state or federal laws or regulations that protect wetlands, waterways or other natural resources.

(3) **Uses Subject to Standards Review Within /WR Conservation Areas.** Except as prohibited by subsection (4), or as excepted under subsection (5), within /WR conservation areas, the following uses are permitted, subject to the standards review process beginning with EC 9.8460 in which consistency with the specific standards referenced for each use below shall be used as the criteria for approval.

(a) Realignment and reconfiguration of channels and pond banks. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).

(b) Construction of public improvements (including but not limited to streets, bridges, paved bikeways and pedestrian paths, and public utilities) required by this land use code or specified in adopted plans. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (1) through (11).

(c) Construction of public access facilities and information and interpretation facilities on public lands where it is demonstrated that public access must be controlled in order to protect the resource. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (1) through (11).

(d) Maintenance, repair, and reconstruction of utility facilities existing as of [insert Ordinance effective date] within /WR conservation areas of Category A, B, C, or D streams or Category A, B, or C wetlands, where such action will involve excavation or ground disturbance within the /WR conservation area of more than 500 square feet, and where the footprint of above-ground facilities will not be expanded. For purposes of this subsection, agencies or entities that manage and maintain utility facilities may make application for individual actions or may submit an application for approval of a maintenance, repair and reconstruction program, such that all activities consistent with the approved program would be deemed consistent with this subsection, and applications for individual actions would not be required. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5) and to the following additional standards:

1. The action is necessary in order to maintain access, maintain or improve safety, maintain proper functioning, or is required by local policies, local, state or federal regulations, or intergovernmental agreements.
2. Excavated areas shall be backfilled to the previous grade with existing native soil used for the uppermost 3 feet of backfill whenever possible and in no case less than the uppermost 2 feet of backfill.
3. Except for emergency repairs, maintenance, repair and reconstruction of utility facilities shall be planned and timed to minimize adverse impacts to wildlife and habitat within a /WR conservation area. Emergency repairs shall meet the requirements of 9.4930(2)(o).

4. Utility agencies and their agents shall use the best feasible technology to pinpoint the location of needed repairs to underground utilities prior to excavation in order to limit the area of impact.

(e) Construction of new underground utility lines within /WR conservation areas of Category A, B, C, or D streams or Category A, B, or C wetlands. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5) and to the following additional standards:
1. No reasonable alternative routes exist to provide service to an unserved area or to connect to an existing line.
2. Routing of new utility lines shall be designed so as to minimize adverse impacts to habitat within the /WR conservation area to the greatest extent practicable.
3. Excavated areas shall be backfilled to the previous grade with existing native soil used for the uppermost 3 feet of backfill whenever possible and in no case less than the uppermost 2 feet of backfill.
4. Construction of new utility facilities shall be planned and timed to minimize adverse impacts to wildlife and habitat within a /WR conservation area.
5. Impacts to plant species listed as threatened or endangered by the Oregon Department of Agriculture or the U.S. Fish and Wildlife Service shall be avoided.

(f) Wetland or riparian area enhancement, restoration or creation activities. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).

(g) Construction of stormwater quality treatment facilities that do not discharge into a stream or wetland within the /WR conservation area and that do not include adding impervious surfaces. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) though (5).

(h) Discharge of stormwater collected from impervious surfaces into a wetland or stream within the /WR conservation area, if the following standards 1. through 4. are met:
1. No other gravity-based stormwater discharge options are available for the site.
2. All of the stormwater runoff from the development site that will result from the water quality design storm will be treated by a privately constructed and maintained stormwater management facility prior to discharge. For purposes of this subsection, the term "water quality design storm" means a theoretical storm for estimating the amount of stormwater runoff to be treated, and is different for volume based facilities and flow-through facilities as follows:
   a. Facilities designed to store and treat a volume of stormwater shall be sized using a water quality design storm of 1.4 inches of rainfall in 24-hours using Soil Conservation Service (SCS now the Natural Resources Conservation Service) methodology.
   b. Facilities designed to treat a rate of flow draining through them shall be sized using a rainfall intensity of 0.12 inches per hour

for facilities off-line from the conveyance system, or 0.21 inches per hour for on-line facilities, and using the rational equation.

3. The stormwater is treated prior to discharge utilizing one or more of the following stormwater management facilities: eco-roof, stormwater planter, swale, filter, infiltration basin, and manufactured treatment facility.
4. Design and construction of the stormwater management facility is subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (5).

(i) Construction of paved pathways of no more than 6 feet in width for passive recreation within the conservation area for Category A. B, or C streams or Category A wetlands, and no more than 12 feet for bike paths identified in TransPlan. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (6) and (11).

(j) Construction of a private access road where no other point of access is available except through the /WR conservation area of a Category A, B, C or D stream or a Category A, B, or C wetland, and where the number of stream or wetland crossings is the minimum necessary for the approved use. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (6) and (10).

(k) Non-emergency repair or stabilization of a failing slope or eroding channel bank. Subject to EC 9.4980 /WR Water Resources Conservation Overlay Zone Development Standards (2) through (6), and provided the applicant submits to the planning director a report from a certified engineer that includes the following:

1. A description of the location, extent and probable cause of the slope or bank failure,
2. A determination that the slope or bank failure threatens public safety or the structural integrity of an adjacent or downstream legally constructed structure,
3. A declaration that repair of the slope or bank failure is necessary to protect public safety or the structural integrity of structure(s) described under subsection 2. above,
4. A statement that the method of repair is necessary to protect public safety of the structural integrity of structure(s) described under subsection 2. above and will minimize impacts to riparian and in-stream habitat to the greatest extent practicable.

Consistency with the provisions of this subsection do not exempt the property owner from state or federal laws or regulations that protect wetlands, waterways or other natural resources.

(4) Uses Prohibited Within the /WR Conservation Area. Uses that are not specifically allowed under subsections (2), (3) or (5) are prohibited within /WR conservation areas. Prohibited uses include, but are not limited to, the following:

(a) Storage of hazardous or toxic materials.

(b) Depositing, dumping, piling or disposal of refuse, or dumping, piling, disposing or composting of yard debris, fill, or other material except for single family residential composting, which must be kept at least 10 feet from the top of the bank of any water feature, and soils or soil

amendments used for replanting in accordance with provisions of this section.

(c) Construction of new septic drainfields.

(d) Channelizing or straightening natural drainageways.

(e) Removal or destruction of a plant species listed as threatened or endangered by the Oregon Department of Agriculture or the U.S. Fish and Wildlife Service unless written notice of the removal or destruction is provided to the city's Planning and Development Department, the Plant Division of the Oregon Department of Agriculture, the U.S. Fish and Wildlife Service 30 days prior to the removal or destruction. Such notice shall include the location, the names of the plant species to be affected, how many plants are to be affected and the reason for the removal or destruction.

(f) Filling, grading and excavating.

(g) Storage of wood, other building materials, vehicles or machinery.

(5) Exceptions. Activities that are explicitly authorized by a city land use approval issued prior to [insert Ordinance effective date] or that are necessary to carry out uses or development explicitly authorized by such an approval are exempt from the restrictions of the provisions of subsections (2), (3) and (4) of this section if the authorization is part of one of the following:

(a) A site review plan;

(b) A conditional use permit;

(c) A tentative subdivision or tentative cluster subdivision submitted and approved after August 1, 2001;

(d) A greenway permit; or

(e) A planned unit development.

9.4940 **/WR Water Resources Conservation Overlay Zone - Conveyance of Stormwater Maintenance Easement.** Within the /WR conservation area, the city shall have the authority to require conveyance of a maintenance access easement for any natural or human made stormwater facility as a condition of approval for a land use permit. Maintenance access easements within the conservation area shall be only for the purpose of allowing access to the stormwater facility for city maintenance staff and equipment and shall be no more than 15 feet wide.

9.4950 **/WR Water Resources Conservation Overlay Zone – Adjustments.**

(1) Adjustments to the provisions of EC 9.4920 may be made subject to compliance with the criteria for adjustment in EC 9.8030(19)(a), (b) or (c).

(2) Adjustments to the provisions of EC 9.4930 or 9.4980 may be made subject to compliance with the criteria for adjustment in EC 9.8030(19)(d).

9.4950 **/WR Water Resources Conservation Overlay Zone – Map or Zone Error.** The provisions of this section apply in the case of an alleged error ion the mapping of a Goal 5 resource site on the Goal 5 Water Resources Conservation Plan Map and/or in the case of an alleged error in the application of the /WR Water Resources Overlay Zone to a specific lot. With respect to alleged errors in the application of the overlay zone, the provisions of this section apply instead of the zone change procedures and criteria described at EC 9.8850 through 9.8865. This section

provides the only basis for removal of the /WR Water Resources Overlay Zone or corrections to the Goal 5 Water Resources Conservation Plan Map.

(1) **Initial Consultation.** An applicant may request an initial consultation with city staff to assist the applicant in determining whether an application under subsection (2) or (3) of this section is the most appropriate application for the specific error alleged.

(2) **Correction Based Solely on Aerial Photography or Geographic Information System Data.** An application submitted pursuant to this subsection shall be processed under the Type I application procedure (EC 9.7100 – 9.7120).

(a) Application Requirements.

1. A form provided by the city and a fee established pursuant to EC Chapter 2.
2. For allegations of error on the Goal 5 Water Resources Conservation Plan Map: identification of the Goal 5 Water Resource Site alleged to have been incorrectly mapped on the Goal 5 Water Resources Conservation Plan Map.
3. For allegations of error on the Eugene Overlay Zone Map: a list of the tax lots and a description of any right-of-way alleged to have been incorrectly included in the /WR Water Resources Conservation Overlay Zone.
4. A description of the alleged error and the proposed correction.

(b) Approval Criteria Based Solely on Aerial Photography and Geographic Information System Data.

1. For allegations of error on the Goal 5 Water Resources Conservation Plan Map: it is clear that, at the time the city adopted the Goal 5 Water Resources Conservation Plan Map, that Map showed an incorrect location of the identified Goal 5 Water Resource Site.
2. For allegations of error on the Eugene Overlay Zone map: it is clear that, at the time the city applied the /WR Water Resources Conservation Overlay Zone to the subject lot(s), the city was incorrect in its determination that the lot(s) contained a Goal 5 Water Resource Site or a /WR Water Resources Conservation Area.

(3) **Correction Based on Additional Information.** An application submitted pursuant to this subsection (3) shall be processed under the Type II application procedure (EC 9.7200 – 9.7230).

(a) Application requirements.

1. The materials required under subsection (2)(a).
2. If the alleged error is in the city's measurement of the conservation setback (as opposed to the location of the resource itself), a site plan drawn to scale, showing all of the following:
   a. The location of the boundary of the resource as mapped by the city in the Goal 5 Water Resources Conservation Plan;
   b. The alleged correct location of the boundary of the /WR conservation area for the resource in question based on EC 9.4920;
   c. The distance in feet from the nearest point of the alleged correct location of the boundary of the /WR conservation area of the resource in question to the subject property.

3. If the alleged error is in the mapping of an upland wildlife habitat site or a riparian site (as opposed to the measurement of the site's conservation setback):
   a. A detailed written description of the mapped area claimed to be incorrectly included within the resource site in question, including an inventory list of plant species and the relative frequency of plant species listed;
   b. The location of the boundary of the resource as mapped by the city in the Goal 5 Water Resources Conservation Plan;
   c. The alleged correct location of the boundary of the /WR conservation area for the resource in question; and
   d. Color photographs of the area claimed to be incorrectly included within the resource site in question.
4. If the alleged error is in the mapping of a wetland site (as opposed to the measurement of the conservation setback area), a wetland determination or a wetland delineation report and map, and a signed concurrence letter from the Oregon Department of State Lands, indicating that the determination or report is consistent with Oregon Administrative Rules pertaining to mapping of jurisdictional wetlands. The map must show all pertinent tax lot lines and rights-of-way boundaries.

(b) Approval Criteria.
1. For allegations of error on the Goal 5 Water Resources Conservation Plan Map: at the time the city adopted the Goal 5 Water Resources Conservation Plan Map, that Map showed an incorrect location of the identified Goal 5 Water Resource Site.
2. For allegations of error on the Eugene Overlay Zone Map: at the time the city applied the /WR Water Resources Conservation Overlay Zone to the subject lot(s), the city was incorrect in its determination that the lot(s) contained a Goal 5 Water Resource Site or a /WR Water Resources Conservation Area.

(4) Amendment of the Goal 5 Water Resources Conservation Plan Map or the Eugene Overlay Zone Map. As a result of the Type I or Type II processes described above, if the city determines that there is an error in the Goal 5 Water Resources Conservation Plan Map or the Eugene Overlay Zone Map, the planning director shall issue an order amending the applicable map(s) to correct the error.

9.4970 /WR Water Resources Conservation Overlay Zone - State Wetland Notification. The city shall notify the Oregon Department of State Lands (DSL) concerning land use and building permit applications within wetland sites consistent with state law.

9.4980 /WR Water Resources Conservation Overlay Zone - Development Standards. The following standards apply only as specifically required by EC 9.4930(3) or EC 9.8030(19):

(1) Enhancement. Where the /WR conservation area is reduced, or uses are approved within the /WR conservation area, the remaining /WR conservation area shall be enhanced consistent with this subsection and by removing non-

native plant species and planting native plant species consistent with subsections (2) and (3) below.

(a) All refuse, toxic materials and any fill that limits or decreases the capacity of the conservation setback area to filter pollutants from runoff that flows across the conservation setback area shall be removed (not including stormwater collected and discharged from impervious surfaces).

(b) Where practicable, finished grades shall encourage sheet flow of runoff across conservation setback areas to maximize filtering and infiltration of precipitation and runoff within conservation setback areas (not including stormwater collected and discharged from impervious surfaces).

(c) On sites where the slope within the conservation setback area exceeds 15 percent, measures (e.g., planting and contouring) shall be taken to slow the flow of runoff to the maximum extent practicable (not including stormwater collected and discharged from impervious surfaces).

(d) Non-native plants shall be permanently removed to the maximum extent practicable and replaced with native plant species in accordance with subsection (3) below.

(e) Except as required by EC 9.4980(2)(c), EC 9.4980(3)(d) and EC 9.4980(3)(e), site work to enhance the conservation setback area shall be completed prior to or concurrent with other site development, unless appropriate native plant species are not available within that time frame.

(2) Vegetation Removal. Vegetation removal within the /WR conservation area and within areas removed from the /WR conservation area shall comply with the following standards:

(a) Vegetation removal shall be limited to:

1. Plant species that are non-native and invasive;
2. Dead or dried native plants or grasses only when they constitute an imminent fire hazard;
3. Living native or non-native vegetation, when its removal is necessary to facilitate or encourage the growth of other native species (e.g., native wet prairie plant species) consistent with adopted plans or policies; or
4. The minimum area of native vegetation removal necessary to accommodate uses approved in accordance with EC 9.4930(3)(a) through EC 9.4930(3)(h), and uses approved through an adjustment approved in accordance with EC 9.8030(19).

(b) Clearing of more than 500 square feet of vegetation must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.

(c) Any clearing of vegetation that is not within the footprint of uses approved in accordance with EC 9.4930(3)(a) through EC 9.4930(3)(h), or uses approved through an adjustment approved under EC 9.8030(19), must be followed by replanting in accordance with the requirements of subsection (3) below.

(3) Planting and Replanting. Planting or replanting within the /WR conservation area shall comply with the following standards:

(a) Areas of existing bare soil and areas which have been cleared or graded in accordance with subsection EC 9.4980(2) or EC 9.4980(5) shall be planted with native plant species. Except as required in (b) and (c) below, plant species and plant spacing used for such plantings shall be appropriate to increasing to the greatest extent practicable the capacity of the conservation setback area to filter pollutants from runoff that flows

across the conservation setback area (not including stormwater collected and discharged from impervious surfaces). Where existing native vegetation already serves this function to some extent, additional native plants shall be planted in order to augment native vegetation already existing. Plant species selected for all plantings shall be appropriate to the site given its topography, hydrology, soil, and existing native plant species.

(b) Planting or replanting within 25 feet of a Category B, C, or D stream within the /WR conservation area shall include native tree or large shrub species and located so as to provide substantial shading of the channel during times of peak solar input.

(c) Where non-native or damaged trees are removed within 25 feet of a Category B, C, or D stream within the /WR conservation area, they shall be replaced with native tree or large shrub species and located so as to achieve equal or greater shading of the channel during times of peak solar input as the trees removed.

(d) Replanting of areas cleared of existing vegetation must be completed within 90 days following the removal or clearing, unless otherwise approved by the planning director.

(e) Plantings shall not adversely affect adjacent protected water resources or existing native vegetation through shading or invasion by plant species introduced into the setback.

(4) Construction Practices. Construction within the /WR conservation area, and within areas removed from the /WR conservation area shall comply with the following standards:

(a) For purposes of this subsection, heavy machinery is defined as motorized or mechanized machinery or equipment capable of deliberately or inadvertently damaging vegetation, or damaging or compacting soil. The following standards shall apply to use of heavy machinery within the /WR conservation area:

1. On sites where soils are susceptible to severe compaction or structural damage when wet or saturated, use of heavy machinery shall be limited to the period between June 15 and September 30, unless otherwise approved by the planning director.
2. Use of heavy machinery shall be the minimum necessary for the use or activity and shall be restricted to those areas where its use is necessary.

(b) Petroleum products, chemicals, or other deleterious materials used in the construction process shall not be allowed to enter a stream or wetland that is within a /WR conservation area.

(5) Filling, Grading and Excavating. Filling, grading and excavating within the /WR conservation area and within areas removed from the /WR conservation area shall comply with the following standards:

(a) Filling, grading or excavating of more than 500 square feet must comply with Erosion Prevention regulations for sensitive areas in EC 6.645.

(b) Grading and excavating conducted as part of restoration or enhancement projects, and bank and channel reconfiguration shall result in topography that resembles landscapes shaped only by natural processes, for example, incorporating the undulations, meanders and slopes found in such landscapes. For purposes of this standard, straight lines and

geometric or angular shapes are not acceptable. Channel and stream bank slopes shall not exceed 25 percent at elevations of 500 feet or less.

(6) **Impervious surfaces**. Within the /WR conservation area, construction of new impervious surfaces shall comply with the following standards:

(a) Impervious surfaces are prohibited within the /WR conservation area unless they are part of a use approved in accordance with EC 9.4930(3).

(b) Impervious surfaces that are part of a use approved in accordance with EC 9.4930(3) shall be no larger than the minimum necessary for the approved use. For sites with wetlands, impervious surfaces shall be located as far from the boundaries of locally significant wetlands as practicable. For riparian and upland wildlife habitat sites, impervious surfaces shall be located as far from the line of ordinary high water as practicable.

(c) Durable porous paving treatments or other infiltration devices approved by the planning director or decision-maker shall be used in lieu of standard impervious paving surfaces to increase infiltration of stormwater where practicable. This standard shall apply only to low volume parking areas, foot paths or lightly used access roads, where porous soils and flat topography will facilitate infiltration of runoff. For the purposes of this subsection, gravel surfaces are not acceptable as porous paving or as an infiltration device.

(7) **Site Layout**. On sites where the /WR conservation area is reduced, high intensity uses within the entire development site, including high volume traffic lanes and truck loading docks, shall be designed and located so that adverse impacts to wetland and riparian habitats within the /WR conservation area are minimized to the greatest extent practicable.

(8) **Lighting**. Within the /WR conservation area, and within areas removed from the /WR conservation area, outdoor area lighting shall be prohibited, except to illuminate walkways, bike paths, pedestrian gathering areas, and parking areas, where these facilities are intended to be used after dark. Outdoor area lighting is lighting designed to illuminate an outdoor activity area, trail or bicycle path. Where lighting is to be provided within the /WR conservation area and within areas removed from the /WR conservation area, the following standards shall apply:

(a) Illumination for walkways, pathways or pedestrian gathering areas shall be no more than an average maintained luminance of 0.5 foot-candle at grade.

(b) Output from all other light sources shall be no more than an average maintained luminance of 0.9 foot-candle at grade.

(c) All lighting fixtures shall be designed to direct light downward to areas intended for human use after dark, and shall be shielded such that light shining toward /WR conservation areas is minimized to the maximum extent practicable.

(9) **Trails.** Within the /WR conservation area, trails shall be constructed of gravel, wood chips or other pervious material, unless otherwise approved by the city manager or decision-maker. Trail construction shall involve the least removal of native vegetation practicable for the area and the minimum amount of fill or excavation practicable.

(10) **Stream and Channel Crossings**. Bridges or other structures that cross streams or wetlands within the /WR conservation area or areas removed from the /WR conservation area shall be constructed so that water flow, vegetation

growth and movement of aquatic animals and water dependent wildlife are impeded to the least extent practicable. To meet this standard, bridges and crossings shall include, but are not limited to, applicable items from the following list:

(a) Bridges across Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall, where practicable, be designed to avoid channel constriction when flows reach the top of high bank. Where practicable, bridges shall span a distance 1.2 times the width of the stream channel from top of high bank to top of high bank to help prevent scouring within the structure or at the outlet during less frequent floods.

(b) Crossings over Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall utilize bridges or natural substrate culverts where possible. Where practicable, the lower lip of any natural substrate culvert shall be embedded at least 1 foot for box culverts and pipe arches, and at least 25% of the pipe diameter for pipe culverts. The substrate within the structure shall match the composition of the substrate in the natural stream channel at the time of construction. The substrate shall either resist displacement during flood events or the structure shall be designed to maintain an appropriate bottom through natural bed load transport.

(c) Bridges and culverts on Category A or Category B streams as identified in the Goal 5 Water Resources Conservation Plan shall be constructed so that the "openness ratio" of the structure is equal to or greater than 0.25. The "openness ratio" is the cross-sectional area of the passage area under or within the structure divided by the length of the stream segment it crosses over. For a box culvert, the openness ratio shall be (height x width)/length.

(d) Culverts shall not substantially increase or decrease water depth or flow rate conditions upstream or downstream from the culvert.

(e) The lower lip of all culverts shall meet the stream or channel bed at or below grade.

(f) Culverts shall be the minimum length practicable, and fill on top of the culvert shall have the minimum footprint practicable.

(11) Interpretive Facilities. Within the /WR conservation area, boardwalks, viewing platforms, interpretive information kiosks, trail and interpretive signs shall be constructed in a manner that involves the least removal of native vegetation practicable. Signs shall be no more than 5 feet tall, and 16 square feet per face in surface area, except for signs intended to be read from moving automobiles, such as site entrance signs, which shall be no more than 8 feet tall and 32 square feet per face in surface area. Kiosks shall be no more than 8 feet tall and 16 square feet per face in surface area. The number of signs shall be the minimum necessary to accomplish project objectives,.

5. The portion of sentence preceding the colon in Subsection (1) of Section 9.6885 of the Eugene Land Use Code is amended to provide:

9.6885 Tree Preservation and Removal Standards.

(1) Exemption from Standards. The standards in this section do not apply to activities regulated under EC 9.4900 through 9.4980, or an application for development activity that includes or will result in:

6. Subsection (1) of Section 9.7025 of the Eugene Land Use Code is amended by adding a new subparagraph (f) thereto, to provide:

9.7025 Performance Agreements.

(1) Applicability. The city shall require execution of a performance agreement by the applicant for all of the following types of applications:

(a) Conditional use permit and any modifications.
(b) Historic property alteration and any modifications.
(c) Planned unit development, final plan and any modifications.
(d) Site review and any modifications.
(e) Subdivisions final plat and any modifications.
(f) Standards review and any modifications.

7. Table 9.7055 of the Eugene Land Use Code is amended by adding entries for "/WR Water Resources Conservation Overlay Zone" in alphabetical order therein to provide:

9.7055 Applications and Review Authorities. Table 9.7055 Applications and Review Authorities, lists applications and the review authorities for the decision and the appeal of the decision.

Table 9.7055 Applications and Review Authorities
R = Recommendation, D = Decision Maker, A = Appeal Review Authority

Application	Type	Planning Director	Hearings Official	Historic Review Board	Planning Commission	City Council
Variance	II	D	A			
/WR Water Resources Conservation Overlay Zone - Map or Zone Error (See EC 9.4960)	I or II	D	A			
Willamette Greenway Permit	III		D		A	

8. Table 9.7105 of the Eugene Land Use Code is amended by adding an entry for "/WR Water Resources Conservation Overlay Zone" in alphabetical order therein to provide:

9.7105 Type I Application Requirements and Criteria Reference. The following applications are reviewed under the Type I process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7105:

Table 9.7105 Type I Application Requirements and Criteria

Type I Applications	Beginning Reference

Table 9.7105 Type I Application Requirements and Criteria	
Type I Applications	**Beginning Reference**
/WR Water Resources Conservation Overlay Zone – Map or Zone Error	EC 9.4960(2)

9. Table 9.7205 of the Eugene Land Use Code is amended by adding an entry for "/WR Water Resources Conservation Overlay Zone" in alphabetical order therein to provide:

9.7205 **Type II Application Requirements and Criteria Reference.** The following applications are reviewed under the Type II review process according to the requirements and criteria set forth for each application as reflected in the beginning reference column in Table 9.7205:

Table 9.7205 Type II Application Requirements and Criteria	
Type II Applications	**Beginning Reference**
Variance	EC 9.8750
/WR Resources Conservation Overlay Zone – Map or Zone Error	EC 9.4960(3)
Willamette Greenway Permit, Modification	EC 9.8825

10. Section 9.7230 of the Eugene Land Use Code is amended by adding entries for "Standards Review" and "Standards Review, Modification" in alphabetical to Table 9.7230, and amending Subsection (6) to provide:

9.7230 **Expiration.**

Table 9.7230 Expiration of Type II Application Approvals			
Application	**12 months**	**18 months**	**36 months**
Site Review, Modification		X	
Standards Review		X	
Standards Review, Modification		X	

(6) Site review and standards review approvals and modifications of such approvals shall be effective for 18 months after the effective date of approval. Within that time, the applicant shall submit a final plan and an application for a development permit. Prior to the expiration date, the applicant may submit a modification requesting a change to the commencement or expiration time period.

11. The paragraph following Table 9.7305 of the Eugene Land Use Code is amended to provide:

9.7305 **Type III Application Requirements and Criteria Reference.** The following applications are reviewed under the Type III review process according to the requirements and criteria set forth for each application as reflected in the beginning

reference column in Table 9.7305:

Table 9.7305 Type III Application Requirements and Criteria	
Type III Applications	**Beginning Reference**
Adjustment Review (when part of a Type III Application)	EC 9.8015
Conditional Use Permits (CUP)	EC 9.8075
Historic Landmark Designation	EC 9.8150
Planned Unit Development, Tentative Plan	EC 9.8300
Willamette Greenway Permit	EC 9.8800
Zone Changes*	EC 9.8850

*Zone changes processed concurrently with a Metro Plan amendment, the adoption or amendment of a refinement plan, or a land use code amendment shall follow the applicable procedure for each type of amendment. A zone change to apply the /ND overlay zone shall be processed according to EC 9.4260. Removal of the /WR overlay zone is controlled by EC 9.4960.

12. Table 9.7810 of the Eugene Land Use Code is amended by adding an entry for "/WR Water Resources Conservation Overlay Zone" in alphabetical order therein and adding a new Subsection (4) thereto, to provide:

9.7810 **Changes in Zone.** Properties annexed to the city shall be automatically changed from county zoning to the equivalent city zone, as shown in Table 9.7810 Equivalent Zones and Overlay Zones, unless one or more of the following apply.

Table 9.7810 Equivalent Zones and Overlay Zones			
Urbanizable Land Zones		**Eugene Zones**	
AG/UL	Agricultural	AG	Agricultural
PL/UL	Public Land	PL	Public Land
LDR/UL	Low-Density Residential	R-1	Low Density Residential
MDR	Medium-Density Residential	R-2	Medium Density Residential
GO/UL	General Office	GO	General Office
C/UL	Neighborhood Commercial	C-1	Neighborhood Commercial
CC/UL	Community Commercial	C-2	Community Commercial
LMI/UL	Light-Medium Industrial	I-2	Light-Medium Industrial
HI/UL	Heavy Industrial	I-3	Heavy Industrial
Urbanizable Land Zoning Overlay		**Eugene Overlay Zones**	
/SR	Site Review	/SR	Site Review
/CAS	Commercial Airport Safety	/CAS	Commercial Airport Safety
/WR	Water Resources Conservation Overlay Zone	/WR	Water Resources Conservation Overlay Zone

(4) The property was identified on Exhibit D to Ordinance No. 20352 as one to which the /WR Water Resources Conservation Overlay Zone should be applied upon annexation, in which case the property's zoning will automatically be changed to include the /WR Overlay Zone.

13. Section 9.8025 of the Eugene Land Use Code is amended to provide:

9.8025 **Adjustment Review - General Requirements.**

(1) Except as provided in subsection (2), the adjustment review application shall be prepared by one or more of the following professionals unless waived by the planning director:

(a) Oregon licensed architect.
(b) Oregon licensed civil engineer.
(c) Oregon licensed landscape architect.
(d) Oregon licensed land surveyor.

(2) An application for adjustment review under EC 9.8030(19) shall comply with the following:

(a) Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:
1. Oregon licensed architect.
2. Oregon licensed civil engineer.
3. Oregon licensed landscape architect.
4. A professionally trained botanist or biologist, with sufficient training and experience in planning and design to evaluate consistency of the application with all applicable standards.

(b) Unless waived by the planning director, if the application is not prepared by a professionally trained botanist or biologist, one or more of the professionals preparing the application shall have sufficient professional expertise and training in field botany or related biological sciences to evaluate consistency of the application with application standards.

(c) The application shall include a site plan that shows sufficient detail and supporting information to demonstrate compliance with applicable standards. Unless waived by the planning director, the site plan shall be prepared by an Oregon licensed civil engineer or an Oregon licensed surveyor.

(d) The site plan and application shall be signed by each of the professionals preparing the application, certifying that the application is true and correct to the best of his or her professional ability, and that, if applicable, the professional standards of his or her profession have been met therein.

14. Subsection (14) of Section 9.8030 of the Eugene Land Use Code is amended, and a new Subsection (19) is added thereto, to provide:

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

(14) Overlay Zone Development Standards Adjustment. Unless a subsection of EC 9.8030 sets out adjustment review criteria for a specific overlay zone, where this land use code provides that overlay zone standards may be adjusted, the standards may be adjusted upon a finding that the adjustment of the standards will result in a development that is consistent with the purpose of the overlay.

(19) /WR Water Resources Conservation Overlay Zone Adjustment. Where

this land use code provides that a provision of the /WR Water Resources Conservation Overlay Zone may be adjusted, approval may be given only upon a finding that the proposed adjustment meets criterion (a), (b), (c) or (d) below:

(a) For any property containing a /WR conservation area due to a resource identified as a wetland, upland wildlife habitat or riparian site in the Goal 5 Water Resources Conservation Plan, an adjustment to the provisions of EC 9.4920 may be made if no previous adjustment under this section has been approved for the specific portion of the conservation area and all of the following are met:

1. More than 33 percent of the development site is occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback;
2. The proposed reduction in the /WR conservation area will result in the combined area described above constituting at least 33 percent of the development site;
3. The parcel is not already developed with a building suitable for occupancy;
4. The area of the subject parcel is 10,000 square feet or less;
5. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10);
6. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
7. The portion of the development site that remains in a /WR conservation setback area complies with EC 9.4980 (1) through (5).
8. The reduction occurs first by reducing the area of any portion of the resource site that extends landward beyond the conservation setback. If additional reduction in the /WR conservation area is needed to reduce the combined area to 33% of the development site area, the conservation setback area described in EC 9.4920(1)(b) may be reduced the minimum necessary to meet the standard in subsection 2.; and
9. The proposed adjustment is consistent with EC 9.8030(19)(e).

(b) For property containing a /WR conservation area due to a resource identified in the Goal 5 Water Resources Conservation Plan as a Category A, B or C stream or as a Category A wetland, an adjustment to the provisions of EC 9.4920 may be made if no previous adjustment under this section has been approved for the specific portion of the conservation area and all of the following are met:

1. The proposed reduction in the conservation setback distance is no more than 20%;
2. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10);
3. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
4. The remaining /WR conservation setback area complies with EC 9.4980(1) through (5);

5. For Category A wetland sites, reduction in the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of lower quality or is more disturbed by human activities and expansion of the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of higher quality or is less disturbed by human activities.
6. For riparian or upland wildlife habitat sites where a reduction in the width of the /WR conservation area is allowed, the conservation setback area may be reduced, to the extent practicable, according to the following priority order:
    a. Where the reduction area does not include a mapped Goal 5 resource site designated for protection in the Goal 5 Water Resources Conservation Plan,
    b. Where the adjacent habitat quality is lower; and
7. The proposed adjustment is consistent with EC 9.8030(19)(e).

(c) For property containing a /WR conservation area due to a resource identified in the Goal 5 Water Resources Conservation Plan as a Category A or B stream or as a Category A wetland, an adjustment to the provisions of EC 9.4920 may be made if no previous adjustment under this section has been approved for the specific portion of the conservation area and all of the following are met:

1. Conservation setback averaging is employed to maintain the same total area within the /WR conservation area within the development site that would have existed without the reduction in the conservation setback distance. Conservation setback averaging shall be accomplished by expanding the /WR conservation area in an undeveloped area of the development site in compensation for reducing it in another area of the site, such that the total area of the /WR conservation area on the development site remains constant;
2. The conservation setback distance may be reduced in one or more locations by up to 30%.
3. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10);
4. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
5. The portion of the development site remaining in the /WR conservation area complies with EC 9.4980(2) through (5);
6. For Category A wetland sites, reduction in the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of lower quality or is more disturbed by human activities and expansion of the width of the /WR conservation area shall occur first in areas where the adjacent wetland is of higher quality or is less disturbed by human activities;
7. For Category A or B streams, reduction in the width of the conservation setback area shall occur to the extent practicable, according to the following priority order:
    a. Where the reduction area does not include an adjacent Goal 5 resource site designated for protection in the Goal 5 Water Resources Conservation Plan,
    b. Where the adjacent habitat quality is lower,

c. Where the setback area can be expanded in compensation on the opposite bank of the stream from the reduction area if it is within the same development site. If the development site does not include the opposite bank for the stream, the expansion of the conservation setback shall occur elsewhere on the development site; and

8. The proposed adjustment is consistent with EC 9.8030(19)(e).

(d) For property containing a /WR conservation area due to a resource identified in the Goal 5 Water Resources Conservation Plan as a wetland, upland wildlife habitat or riparian site, an adjustment to the provisions of EC 9.4930 and EC 9.4980 may be approved if all of the following are met:

1. The applicant has shown that:
   a. The parcel is not already developed with a building suitable for occupancy;
   b. The strict application of the provisions of EC 9.4930 and 9.4980 would prohibit construction of a building suitable for occupancy on any portion of the parcel due to special circumstances that apply to the property, including location, shape, size, surroundings, and topography and the relationship of the characteristics to the resource site or applicable conservation area.
2. The applicant has demonstrated that the adjustments described under subsections (a), (b) and (c) above would not allow the use or uses specified under 1.;
3. The adjustment allowed is the minimum necessary to allow the use or uses specified under 1.;
4. The portion of the development site removed from the /WR conservation area complies with EC 9.4980(2)(a)4., (4)(b), (5)(a), (8), and (10) except to the extent that a standard in one of those subsections is the subject of the adjustment application;
5. The portion of the development site outside the /WR conservation area, including the area removed, complies with EC 9.4980(7);
6. The portion of the development site that remains in a /WR conservation area complies with EC 9.4980(1) through (5); and
7. The proposed adjustment is consistent with EC 9.8030(19)(e).

(e) The applicant demonstrates that restoration or habitat enhancement activities within the remaining conservation area will result in a net increase in overall natural functions and values proportional to the requested adjustment, and will specifically result in a net increase in two or more of the following functions and values of the conservation area as applicable to the site:

1. For streams and wetlands within stream channels:
   a. Effective shade of stream channel during peak solar input;
   b. Species diversity, structural diversity, density, and percent cover of native riparian vegetation;
   c. Bank stability due to native riparian plant roots;
   d. Absence of non-native invasive plant species;
   e. Effective filtering of overland stormwater flow to the stream;
   f. Presence of soils and hydrology appropriate to the site and appropriate to support native plants;

g. Habitat characteristics required by any state or federally listed threatened or endangered species that have been documented on the site.

2. For wetlands not within stream channels:
   a. Species diversity, density, and coverage of native vegetation within the wetland and setback area;
   b. Bank stability due to native plant roots;
   c. Absence of non-native invasive plant species;
   d. Effective filtering of overland stormwater flow to the wetland;
   e. Presence of soils and hydrology appropriate to the site and appropriate to support native plants;
   f. Habitat characteristics required by any state or federally listed threatened or endangered species that have been documented on the site.

   For purposes of this subsection, the demonstration of the increase in functions and values shall be based upon a comparison between the functions and values of the /WR conservation area as it existed on the date of application for an adjustment under this subsection and the functions and values of the proposed reduced /WR conservation area with proposed enhancements and restoration.

15. Subsection (1)(c) of Section 9.8055 of the Eugene Land Use Code is amended to provide:

9.8055 **Cluster Subdivision- Approval Criteria - General.** The planning director shall approve, approve with conditions, or deny a proposed cluster subdivision. Approval or approval with conditions shall be based on the following:

(1) The proposed subdivision complies with:

(c) EC 9.2000 through 9.3915 regarding lot dimensions, solar standards, and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a);

16. Subsection (1)(a) of Section 9.8215 of the Eugene Land Use Code is amended to provide:

9.8215 **Partition, Tentative Plan Approval Criteria- General.** The planning director shall approve, approve with conditions, or deny a partition, with findings and conclusions. Approval, or approval with conditions, shall be based on compliance with the following criteria:

(1) The proposed partition complies with all of the following:
(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel

dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a).

17. Subsection (2)(a) of Section 9.8220 of the Eugene Land Use Code is amended to provide:

9.8220 **Partition, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the partition application. Unless the applicant elects to use the general criteria contained in EC 9.8215 Partition, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a partition based on compliance with the following criteria:

(2) The proposed partition complies with all of the following:

(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a).

18. Subsection (11)(a) of section 9.8320 of the Eugene Land Use Code is amended to provide:

9.8320 **Tentative Planned Unit Development Approval Criteria- General.** The hearings official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions shall be based on compliance with the following criteria:

(11) The PUD complies with all of the following:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a).

19. Subsection (7)(a) of Section 9.8325 of the Eugene Land Use Code is amended to provide:

9.8325 **Tentative Planned Unit Development Approval Criteria - Needed Housing.** The hearings official shall approve, conditionally approve, or deny the PUD application with findings and conclusions. Unless the applicant elects to use the general criteria contained in EC 9.8320 Tentative Planned Unit Development Approval Criteria - General, where the applicant proposes needed housing, as defined by the State statutes, the hearings official shall approve or approve with conditions a PUD based on compliance with the following criteria:

(7) The PUD complies with all of the following:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a).

20. A new Subsection (5) is added to Section 9.8415 of the Eugene Land Use Code to provide:

9.8415 **Property Line Adjustment Approval Criteria.** The planning director shall approve, approve with conditions, or deny the property line adjustment application. Approval or approval with conditions shall be based on compliance with the following criteria:

(5) Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a).

21. Sections 9.8460, 9.8465, and 9.8470 of the Eugene Land Use Code, are amended, and new Sections 9.8472 and 9.8474 are added thereto, to provide:

9.8460 **Purpose of Standards Review.** The standards review process is intended to provide a way to effectively review specific types of proposed development with standards outlined in this land use code.

9.8465 **Applicability.** Where this land use code allows a specific use, subject to standards review, the application for review shall be considered under a Type II process, unless the subject land use application is being considered under a Type III application process. If the review requested is a part of a Type III application, the review of standards shall be considered concurrently under a Type III application process. No development permit shall be issued by the city prior to completion of the standards review.

9.8470 **Standards Review Approval Criteria.** The planning director shall determine whether the application is in compliance with the standards set out in the code section that calls for standards review.

9.8472 **Standards Review – Application Requirements.** Applications for uses subject to standards review under EC 9.4930(3) shall be subject to the following requirements:

(1) Unless waived by the planning director, the application shall be prepared by one or more of the following professionals:
- (a) Oregon licensed architect.
- (b) Oregon licensed civil engineer.
- (c) Oregon licensed landscape architect.
- (d) A professionally trained botanist or biologist, with sufficient training and experience in planning and design to evaluate consistency of the application with all applicable standards.

(2) Unless waived by the planning director, if the application is not prepared by a professionally trained botanist or biologist, one or more of the professionals preparing the application shall have sufficient professional expertise and training in field botany or related biological sciences to evaluate consistency of the application with application standards.

(3) The application shall include a site plan that shows sufficient detail and supporting information to demonstrate compliance with applicable standards. Unless waived by the planning director, the site plan shall be prepared by an Oregon licensed civil engineer or Oregon licensed surveyor.

(4) The site plan and application shall be signed by each of the professionals preparing the application, certifying that the application is true and correct to the best of his or her professional ability, and that, if applicable, the professional standards of his or her profession have been met therein.

9.8474 **Standards Review – Modification.** Modification of an approved standards review granted pursuant to EC 9.4930(3) may be requested following the Type II process. The planning director shall approve the request if it complies with the following criteria:

(1) The proposed modification is consistent with the conditions of the original approval.

(2) The proposed modification will not result in a greater impact to the resource than permitted by the initial approval.

If the planning director determines that the modification is not consistent with the above criteria, the proposed modification may not occur until a new standards review application is submitted and reviewed based on the Type II application procedures in section 9.7200 and the requirements and criteria in sections 9.4900-9.4980. Nothing in this section shall preclude the applicant from initially submitting the requested modification as a new standards review application.

22. Subsection (1)(a) of Section 9.8515 of the Eugene Land Use Code is amended to provide:

9.8515 **Subdivision, Tentative Plan Approval Criteria - General.** The planning director

shall approve, approve with conditions, or deny a proposed subdivision. Approval, or approval with conditions shall be based on compliance with the following criteria:

(1) The proposed subdivision complies with the following:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a);

23. Subsection (3)(a) of Section 9.8520 of the Eugene Land Use Code is amended to provide:

9.8520 **Subdivision, Tentative Plan Approval Criteria- Needed Housing.** The planning director shall approve, conditionally approve, or deny the subdivision application. Unless the applicant elects to use the general criteria contained in EC 9.8515 Subdivision, Tentative Plan Approval Criteria- General, where the applicant proposes needed housing, as defined by the State statutes, the planning director shall approve or approve with conditions a subdivision based on compliance with the following criteria:

(3) The proposed subdivision complies with all of the following:

(a) EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone. Within the /WR Water Resources Conservation Overlay Zone, no new lot may be created if more than 33% of the lot, as created, would be occupied by the combined area of the /WR conservation setback and any portion of the Goal 5 Water Resource Site that extends landward beyond the conservation setback, making the lot immediately eligible for an adjustment under EC 9.8030(19)(a).

24. Section 9.8855 of the Eugene Land Use Code is amended by adding a new Subsection (5) thereto, to provide:

9.8855 **Applicability.** Changes in zoning, including the application of or change of an overlay zone or special area zone shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures, with the following exceptions:

(5) The proposed zone change is to remove the /WR Water Resources Conservation Overlay Zone, in which case the zone change shall be processed as described in EC 9.4960.

25. Subsection (4) of Section 9.8865 of the Eugene Land Use Code is amended by adding a new subsection (p) thereto.

9.8865 **Zone Change Approval Criteria.** Approval of a zone change application, including the designation of an overlay zone, shall not be approved unless it meets all of the following criteria:

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(p) EC 9.4915 /WR Water Resources Conservation Overlay Zone Siting Requirements.

Exhibit E to Ordinance No. PA 1234

Amendment of Lane Code Section 10.600-25

10.600-25 Applicable Land Use Regulations.
Lane County has adopted the following land use regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary.

(1) The Eugene Land Use regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 18-86 as amended in Ordinance Nos. 5-00 and (insert current Ordinance No.).

(2) Copies of these applicable land use regulations shall be on file at the Lane County Land Management Division. *(Revised by Ordinance No. 18-86, Effective 4.27.87; 21-87, 11.25.87; 13-89, 1.12.90; 2-90, 7.20.90; 2-91, 3.29.91; 12-91, 9.20.91; 14-91, 9.25.91; 7-92, 8.28.92; 10-00, 12.13.00; 2-02, 2.13.02; 3-02, 2.13.02)*

Exhibit F to Ordinance No. PA 1234

List of Properties to Which the /WR Overlay Zone Is Applied

Exhibit F to Ordinance No. PA 1234

List of Properties to Which the /WR Overlay Zone is Applied

Part I - Properties entirely outside Eugene city limits and within the urban growth boundary subject to addition of /WR Water Resources Conservation Overlay Zone:

Assessor's Map/Tax Lot #	City/County/ Partial
1604320000201	county
1604353001401	county
1604353404600	county
1604353404700	county
1604353404800	county
1604354400200	county
1604354401600	county
1604354401700	county
1604354401800	county
1604354401900	county
1604360000900	county
1704010008500	county
1704012203800	county
1704012203900	county
1704012204000	county
1704012204100	county
1704012300800	county
1704013100328	county
1704013100329	county
1704013100330	county
1704013100331	county
1704013200100	county
1704013303801	county
1704013303802	county
1704013304300	county
1704013304600	county
1704013304700	county
1704013304800	county
1704013304900	county
1704013305000	county
1704013305100	county
1704013305200	county
1704021200416	county
1704021200417	county
1704021200419	county
1704021200420	county
1704021200421	county
1704021200500	county
1704021200501	county
1704022100300	county
1704022100400	county
1704022100600	county
1704022100700	county
1704022100800	county
1704022100900	county
1704022101100	county
1704022101201	county
1704022101500	county
1704022101901	county
1704022101902	county
1704022101903	county
1704022200500	county
1704022200600	county
1704022200700	county
1704022200800	county
1704022200900	county
1704022201100	county
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1704022300500	county
1704022300600	county
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1704022303700	county
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1704022304100	county
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1704200002900	County

1704200003000	county
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1803200003300	county
1803200004208	county
1803202301300	county
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1804030006600	county
1804040001311	county
1804040001316	county
1804040002300	county
1804100000500	county
1804100000501	county
1804100000502	county
1804100000503	county
1804100000506	county
1804100000600	county
1804100000601	county
1804130003506	county

Part II - Properties partially outside Eugene city limits and inside the urban growth boundary subject to addition of /WR Water Resources Conservation Overlay Zone for that portion of parcel outside Eugene city limits and inside the urban growth boundary:

Assessor's Map/Tax Lot #	City/County /Partial
1604354400100	partial
1704012200100	partial
1704100001490	partial
1704100001491	partial
1704100001492	partial
1704151002500	partial
1704152301626	partial
1704154101900	partial
1704200002000	partial
1704232004201	partial
1704290001201	partial
1704290002901	partial
1704291300101	partial
1803100000701	partial
1803182200700	partial
1803210001400	partial

Part III - Property outside of tax-lotted parcels subject to addition of /WR Water Resources Conservation Overlay Zone for that portion outside Eugene city limits and inside the urban growth boundary:

Description	Acres	Map #
Site E57, between River Loop 1 and the Eugene Urban Growth Boundary	0.45	1
Site E60, north of I-105 at Northwest Expressway	1.23	2
Site E69, between Park Avenue and Audel Avenue	1.04	3

Exhibit G to Ordinance No. PA 1234

Legislative Findings

Exhibit G
Legislative Findings
to Ordinance No. PA _____

Adoption of New Refinement Plan The following criteria are applicable to the adoption of a new refinement plan.

(1) The refinement plan amendment is consistent with the Statewide planning goals.

Goal 1 Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The County has acknowledged provisions for citizen involvement that ensure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The action taken did not amend the citizen involvement program. The process for adopting these amendments complied with Goal 1 since it complied with, and surpassed the requirements of, the citizen involvement provisions.

The Lane County/City of Eugene land use code for the area between the city limits and the Eugene Urban Growth Boundary ("the Urban Growth Area" or "UGA") implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption.

The process for adopting a Goal 5 Inventory for the area within the UGA has provided numerous opportunities for citizen involvement. A public involvement plan for the Goal 5 process was reviewed and approved by the Joint Planning Commission Committee in May, 2000. In June 2000, two public workshops were held to provide an overview of the Goal 5 process for Springfield, Eugene and Lane County within the Metro Plan boundary. In April 2001, a public workshop has held to review the draft inventory and significance criteria for Springfield, Eugene and Lane County within the Metro Plan boundary. On December 17, 2002, a public hearing was held before the Eugene Planning Commission on the Goal 5 inventory of riparian and upland wildlife habitat sites within the urban growth boundary. All owners of affected and adjacent properties were notified, in addition to a large list of interested parties. The Eugene Planning Commission opened the public record for additional written comments from February 3, 2003 to February 7, 2003 and from March 17, 2003 to March 28, 2003. The Eugene Planning and Development Department staff held a public information meeting on May 21, 2003 on the status of the Goal 5 inventory. On June 9, 2003 a public hearing was held before the Eugene City Council. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices and via the City's Internet site prior to each meeting. The inventory that was adopted through the process

described above was the groundwork for the updated inventory that is a part of the ordinance now being considered.

Consideration of this ordinance, adopting protection measures for inventoried resources, began with a Lane County Planning Commission public hearing on May 10, 2005. Department of Land Conservation and Development notice, notice to property owners and interested parties and newspaper publication was provided for that hearing. An additional public hearing before the Lane County Board of Commissioners is tentatively scheduled for _____. Notice to interested and affected parties will be provided for that hearing. The process for adopting these amendments complies with Goal 1 since it complies with, and surpasses the requirements of the State's citizen involvement provisions.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for decisions to be made concerning the proposed amendments. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the County coordinated the adoption of these amendments with all affected governmental units. Specifically, notice was mailed to all owners of property on the inventory, all owners of property that would be affected by proposed new land use regulations and to an interested parties list of more than 300. There are no Goal 2 exceptions required for this ordinance.

Goal 3 - Agricultural Land: *To preserve and maintain agricultural lands.*

Goal 3 is not applicable to this ordinance as the subject sites and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since the Goal 5 Inventory is entirely within its acknowledged urban growth boundary, Goal 3 is not relevant and the ordinance does not affect the area's compliance with Statewide Planning Goal 3.

Goal 4 - Forest Land: *To conserve forest lands.*

Goal 4 is not applicable to this ordinance as the subject sites and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the adoption of a Goal 5 inventory within Eugene's UGB (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the ordinance does not affect the area's compliance with Statewide Planning Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

The Inventory Process

The adoption of a wetland inventory and the clarification of the already-adopted inventories of riparian and upland wildlife habitat sites within Eugene's Urban Growth Boundary are a specific response to the requirements of Goal 5.[1] The identification of significant riparian and wildlife habitat sites has already been acknowledged by LCDC.[2] This ordinance makes that acknowledged inventory of riparian and wildlife habitat sites a part of the new Goal 5 Water Resources Conservation Plan, through mapping that more clearly identifies the precise location of those sites. The wetlands inventory, also made a part of the new Goal 5 Water Resources Conservation Plan by this ordinance, was conducted in accordance with the administrative rules specifically applicable to Goal 5 wetland inventories, as detailed below.

In adopting a Goal 5 inventory of wetlands, OAR 660-023-0100(2) requires that local governments start with a Local Wetlands Inventory (LWI) prepared using the standards and procedures of OAR 141 (Rules of the Department of State Lands ("DSL")). The LWI, for areas within the Eugene Urban Growth Boundary, approved for consistency with OAR 141 by DSL on January 14, 2005, is adopted as findings to this ordinance, as Exhibit C. For purposes of the Goal 5 inventory, local governments are to apply specific criteria adopted by DSL to those wetland sites included on the LWI. Those that meet the criteria are "significant wetlands" and must be included on the area's Goal 5 inventory of wetlands. The analysis of each wetland site considering those DSL criteria is contained in Appendix E ("Significant Wetland Determination Sheets") to the City of Eugene Local Wetlands Inventory. That document is a part of the record to these proceedings, by this specific incorporation and by its physical inclusion during the proceedings.

ESEE Analysis

The Goal 5 rules require that local governments conduct an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. OAR 660-023-0040 (and OAR 660-023-0090(7)) with respect to riparian corridors) describes the four steps to be followed in conducting an ESEE analysis. The ESEE analysis for each site on the riparian, wildlife and wetlands inventory is contained in Exhibit B to this ordinance (as that analysis pertains to sites within the UGA). In addition, a summary of the ESEE analysis, describing the degree of protection intended for each significant site is adopted as part of the Goal 5 Water Resources Conservation Plan, attached as

[1] Areas within the UGB that are covered by the West Eugene Wetlands Plan are excluded from the inventory and protection measures of this ordinance based on OAR 660-023-0100(8), which states that a "wetlands conservation plan approved by the director of DSL shall be deemed to comply with Goal 5."

[2] LCDC's only requirement for acknowledgment was that a portion of one resource site be removed from the inventory; this ordinance complies with that requirement.

Exhibit A to the ordinance. The conflicting use analysis for each site on the riparian, wildlife and wetlands inventory is contained in Exhibit B, adopted as findings to this ordinance (as that analysis pertains to sites within the UGA).

Therefore, the ordinance is consistent with Goal 5.

Program to Achieve Goal 5

The Goal 5 rules require that local governments adopt a program to protect significant sites consistent with the results of the ESEE analysis. OAR 660-023-0050 sets out the specific rules pertaining to such a program. The /WR Water Resources Conservation Overlay Zone, adopted through this ordinance, was developed to comply with the requirements of this rule. That overlay zone, through this ordinance, is being applied to those resources within the UGA that, as a result of the ESEE analysis, have been shown to warrant the protections the overlay zone provides.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water, and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. By applying the new /WR Water Resources Conservation overlay zone to properties with significant water features, and to those within the setback or riparian area of such water features, the County is directly, and favorably, influencing water quality and the impact of discharges. Therefore, the ordinance is consistent with Statewide Planning Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as land slides. This ordinance does not directly address potential natural disasters and hazards. These hazards are addressed by separate studies and protection measures. However, the /WR overlay zone prohibits construction within specified setbacks of significant water features. As such, the overlay zone provides benefits with relation to flood impacts to real property and thus could provide further protections consistent with Statewide Planning Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures provision of recreation facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The proposed ordinance will not impact provision of recreational facilities, nor will it affect access to existing or future

recreational facilities. Therefore, the ordinance is consistent with Goal 8.

Goal 9 - Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The ordinance will not impact the supply of industrial or commercial lands. Therefore, the amendments are consistent with Goal 9. The /WR overlay zone does not render a property unusable for commercial or industrial uses. In fact, specific provisions in the /WR overlay zone ensure that the overlay zone does not have such an effect on a property. Some of those provisions are:

1. The use restrictions of the /WR overlay zone only apply to that portion of a lot that is within a specified distance from an identified water feature. The use-restricted area is referred to as the "/WR conservation area." Within the portions of the lot that are outside of the /WR conservation area, land uses are not restricted by the /WR overlay zone. EC 9.4930(1). Properties that have a base zoning and designation allowing commercial or industrial uses can still be developed with such uses on those portions of the lot that are not within the /WR conservation area.

2. If the regulated area for a Goal 5 wetland, riparian corridor or a wildlife habitat site occupies more than 33% of a development site area, upon application of the property owner, and consistent with the other criteria of EC 9.8030(19)(a), the City will reduce the size of the /WR conservation area to ensure that the area constitutes no more than 33% of the development site area.

3. Upon application of the property owner, and consistent with the criteria of EC 9.8030(19)(b), the City will reduce the setback area around a Goal 5 wetland by up to 20%, consistent with specified standards.

4. Upon application of the owner of sites identified with certain streams and wetlands, and consistent with the criteria of EC 9.8030(19)(c), setback averaging can be used to reduce setback distances to up to 30% on portions of the site.

5. Upon application of the property owner, and consistent with the criteria of EC 9.8030(19)(d), adjustments can be made to the /WR overlay zone standards to ensure that an owner can make use of the property.

Considering these provisions of the /WR overlay zone, the application of the overlay zone to a property zoned and designated for commercial or industrial use does not result in a diminution in the area's supply of commercial or industrial land.

Even supposing the provisions above were *not* a part of the overlay's regulations, the overlay is being applied to such a small number of acres included in the area's inventories of commercial and industrial lands within the UGA that this ordinance overlay could not diminish the area's supply of those lands below the projected need.

An analysis of potential impacts to the supply of buildable commercial lands within the entire Eugene UGB was conducted using the regional Geographic Information System (GIS) and calculations of supply and demand from the Eugene Commercial Lands Study, 1992. The State-acknowledged Eugene Commercial Lands Study included a surplus of Commercial acreage of 170 acres. This acreage represents those lands that were designated as commercial lands, beyond the acreage needed to accommodate the projected 20-year demand. Since the adoption of that Study, the City has taken various actions that have decreased the amount of surplus commercial acreage, resulting in a current surplus of 129.10 acres. Even if the provisions described in 1 through 5 above were not included in the ordinance, the Goal 5 protection measures *could* affect, at most, 43.40 acres of commercially designated land within the entire UGB (a substantially smaller number of acres would be at issue in the UGA). This worst-case scenario would leave a surplus of 85.70 acres.

An analysis of potential impacts to the supply of buildable industrial lands within the entire Eugene UGB was conducted using the regional Geographic Information System (GIS), data provided by City of Springfield staff and calculations of supply and demand from the Metropolitan Industrial Lands Inventory Report, 1993. The State-acknowledged Metropolitan Industrial Lands Inventory Report included a surplus of industrial acreage of 2,954.28 acres (considering a low demand assumption) or of 2,432.28 acres (considering a high demand assumption). This acreage represents those lands that were designated as industrial lands, beyond the acreage needed to accommodate the projected 20-year demand. Since the adoption of that Report, Eugene and Springfield have taken various actions that have decreased the amount of surplus industrial acreage, resulting in a current surplus of either 2,221.18 acres (considering a low demand assumption) or of 1,699.18 acres (considering a high demand assumption). Even if the provisions described in 1 through 4 above were not included in the ordinance, the Goal 5 protection measures contained in this ordinance *could* affect, at most, 44.73 acres of industrially designated land, leaving a surplus of 2,176.45 acres (considering a low demand assumption) or of 1,654.45 acres (considering a high demand assumption). Again, this analysis was for the entire UGB – the effect within the UGA would be substantially less.

Based on the forgoing discussion and analysis, it is clear that even if the maximum possible area within the proposed /WR Conservation Area was treated as a subtraction from the buildable lands inventory, and taking into account plan amendments that took land out of commercial and industrial categories, and taking into account legislative zone changes, there would still be a net surplus of buildable lands in the applicable categories for both industrial and commercial land.

Therefore, the ordinance is consistent with Goal 9.

Goal 10 - Housing: *To provide for the housing needs of the citizens of the state.*

The /WR overlay zone does not render a property unusable for residential uses. In fact, specific provisions in the /WR overlay zone ensure that the overlay zone does not have such an effect on a property. Some of those provisions are:

1. The use restrictions of the /WR overlay zone only apply to that portion of a lot that is within a specified distance from an identified water feature. The use-restricted area is referred to as the "/WR conservation area." Within the portions of the lot that are outside of the /WR conservation area, land uses are not restricted by the /WR overlay zone. EC 9.4930(1). Properties that have a base zoning and designation allowing residential uses can still be developed with such uses on those portions of the lot that are not within the /WR conservation area.

2. If the regulated area occupies more than 33% of a development site area, upon application of the property owner, and consistent with the other criteria of EC 98030(19)(a), the City will reduce the size of the /WR conservation area to ensure that the area constitutes no more than 33% of the development site area.

3. Upon application of the property owner, and consistent with the criteria of EC 9.8030(19)(b), the City will reduce the setback area around a Goal 5 wetland by up to 20%, consistent with specified standards.

4. Upon application of the owner of sites identified with certain streams and wetlands, and consistent with the criteria of EC 9.8030(19)(c), setback averaging can be used to reduce setback distances to up to 30% on portions of the site.

5. Upon application of the property owner, and consistent with the criteria of EC 9.8030(19)(d), adjustments can be made to the /WR overlay zone standards to ensure that an owner can make use of the property.

Considering these provisions of the /WR overlay zone, the application of the overlay zone to a property zoned and designated for residential use does not result in a diminution in the area's supply of residential land.

Even supposing the provisions above were *not* a part of the overlay's regulations, the overlay is being applied to such a small number of acres included in the area's inventory of residential lands within the UGA that this ordinance overlay could not diminish the area's supply of those lands below the projected need.

An analysis of potential impacts to the supply of buildable residential lands within the entire Eugene UGB was conducted using the regional Geographic Information System (GIS), data provided by City of Springfield staff and calculations of supply and demand from the Supply and Demand Technical Analysis of the Eugene- Springfield Metropolitan Area Residential Lands and Housing Study (RLHS), 1999. The State-acknowledged Eugene-Springfield Metropolitan Area Residential Lands and Housing Study included a surplus of residential acreage of 1,862 acres (considering a low demand assumption) or of 790 acres (considering a high demand

assumption). This acreage represents those lands that were designated as residential lands, beyond the acreage needed to accommodate the projected 20-year demand. Since the adoption of that Study, Eugene and Springfield have taken various actions that have decreased the amount of surplus residential acreage, resulting in a current surplus of either 1,725.07 acres (considering a low demand assumption) or of 653.07 acres (considering a high demand assumption). Even if the provisions described in 1 through 5 above were not included in the ordinance, the Goal 5 protection measures contained in this ordinance *could* affect, at most, 445.77 acres of residentially designated land within the entire UGB (a substantially smaller number of acres would be at issue in the UGA). This worst-case scenario would leave a surplus of 1,279.30 acres (considering a low demand assumption) or of 207.30 acres (considering a high demand assumption).

Based on the forgoing discussion and analysis, it is clear that even if the maximum possible area within the proposed /WR Conservation Area was treated as a subtraction from the residential buildable lands inventory, and taking into account plan amendments that took land out of residential categories, and taking into account previous legislative zone changes, there would still be a net surplus of buildable lands in the applicable categories for residential land.

Therefore, the ordinance is consistent with Goal 10.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The provisions of this ordinance do not effect the planning or development of future public facilities or services. Therefore, the ordinance is consistent with Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented through the Transportation Planning Rule (TPR). The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is enacted at the local level.

The Transportation Planning Rule (OAR 660-012-0060) states that land use changes that significantly affect a transportation facility shall require mitigation measures to address the anticipated impacts. The rule states that:

> *(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ration etc.) of the facility. This shall be accomplished by either:*

(a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;

(b) Amending the TSP to provide transportation facilities to support the proposed land uses consistent with the requirements of this division;

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or

(d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian-friendly development where multi modal travel choices are provided.

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

(a) Changes the functional classification of an existing or planned transportation facility;

(b) Changes standards implementing a functional classification system;

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Adoption of the ordinance will not change the functional classification of an existing or planned transportation facility. Nor will it change standards implementing a functional classification system. Further, it will not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility or reduce the performance standards of any facility. Therefore, Goal 12 is not implicated by this ordinance.

Goal 13 - Energy Conservation: *To conserve energy.*

This ordinance does not concern energy conservation. Therefore, Goal 13 does not apply.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

This ordinance does not effect the transition from rural to urban land use. It applies only to property already within the City limits. Therefore, Goal 14 does not apply to this ordinance.

Goal 15 - Willamette River Greenway: *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the*

Willamette River as the Willamette River Greenway.

The Willamette Greenway area within the Eugene Urban Growth Boundary is governed by existing local provisions which have been acknowledged as complying with Goal 15. Those provisions are unchanged by this ordinance.

Goal 16 through 19 (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):

There are no coastal, ocean, estuarine, or beach and dune resources related to the property effected by this ordinance. Therefore, these goals are not relevant and the ordinance will not affect compliance with Goals 16 through 19.

(2) The refinement plan is consistent with the applicable provisions of the Metro Plan.

Environmental Resources Elements Policies

18. Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

The Plan and the overlay zone manage and restrict development in water bodies consistent with Policy 18.

19. Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan update.

While some of the area's significant wetlands were already protected by the West Eugene Wetlands Study, this ordinance helps to complete the area's program for wetlands.

24. When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.

The /WR overlay zone establishes streamside protection measures for significant vegetation and wildlife areas consistent with this policy.

27. *Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.*

Known threatened and endangered species populations outside the West Eugene Wetlands area are protected by the program adopted by this ordinance, and notice/opportunity for public involvement has been given.

35. *Newly-identified natural resources or sites shall be addressed in the following manner:*
    a. *The jurisdiction within which the natural resource is located shall inventory the site, incorporating the use of experts, for specific location, quantity, and quality. Whenever feasible, this inventory should be done within 30 days. Constraints on access to private lands, availability of qualified experts, and the difficulty of identifying the suspected natural resource at certain times of the year may require an exception to the time frame.*
    b. *Upon the completion of the preliminary inventory, the affected jurisdiction shall determine within ten days whether the identified natural resource is significant and adopt supporting findings. Significance will be determined on a case-by-case basis by the jurisdiction, according to whether the resource is on a federal, state, or local listing, and because of the uniqueness or scarcity of the resource locally. If necessary to protect the site, the local jurisdiction shall apply interim protection. The jurisdiction shall notify the other jurisdictions, MPC and interested parties of the decision and any interim protection measures to be undertaken. This decision may be appealed in writing within ten days notification of the jurisdiction's decision to MPC. MPC shall consider the refinement of the inventory, the decision of the affected jurisdiction, and the written basis for appeal. The written appeal must include specific facts and reasons why the decision of the jurisdiction was inappropriate. MPC must reach a decision on significance within 40 days of receipt of an appeal.*
    c. *If a natural resource is determined significant, in no later than six months the affected jurisdiction shall conduct a Goal 5 Environmental, Social, Economic, and Energy conflict resolution analysis and release a draft working paper with recommendations to MPC.*
    d. *Staff will coordinate with affected property owners and interested parties throughout the process.*

This ordinance addresses periodic review requirements and procedures set out in state law. Policy 35 is intended to be applied when a new resource is identified after the establishment of the inventory and protective measures via periodic review.

Willamette River Greenway, River Corridors, and Waterway Element Policy

5. *New development that locates along river corridors and waterways shall be limited to uses that are compatible with the natural, scenic, and environmental qualities of those water features.*

The allowed uses in the /WR overlay zone are consistent with this policy.

Environmental Design Element Policy

2. *Natural vegetation, natural water features, and drainageways shall be protected and retained to the maximum extent practical. Landscaping shall be utilized to enhance those natural features. This policy does not preclude increasing their conveyance capacity in an environmentally responsible manner.*

The provisions of the /WR overlay zone explicitly address the protection of natural vegetation, water features, and drainageways and are therefore consistent with this policy.

Services to Development Within the Urban Growth Boundary: Stormwater Policies

G.16 *Manage or enhance waterways and open stormwater systems to reduce water quality impacts from runoff and to improve stormwater conveyance.*

By protecting riparian areas and stream corridors, the measures help to reduce water quality impacts from runoff.

G.19 *Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.*

By restricting development within riparian areas for the Willamette River, the measures help to maintain flood storage capacity within that floodplain.

Code Amendments **Eugene Code Section 9.8065 requires that the following criteria (in *bold and italic*) be applied to a code amendment.**

(1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission.

See above.

(2) Is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.

See above.

(3) In the case of establishment of a special area zone, is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone.

The amendments do not establish a special area zone.

Application of the Overlay Zone The following criteria from EC 9.8856 apply to proposals to rezone properties:

(1) The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

See above.

(2) The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The overlay zone does not change the base zoning of a parcel, which has already been found to be consistent with any applicable refinement plan.

(3) The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

The uses and densities of development allowed in the zone are less of a tax on the key urban facilities and services already serving or planned for the effected areas.

(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in: [(a) through (l)]

Although not listed in EC 9.8856(4), the siting requirements for the /WR Water Resources Conservation Overlay Zone applicable to the proposed were addressed above.

Exhibit H to Ordinance No. PA 1234

Native and Non-Native Plant List

Native and Non-Native Plant List

Part 1

NATIVE PLANT SPECIES FOR SITES AT OR ABOVE 425 FEET IN ELEVATION WITHIN THE EUGENE UGB

The plant species included in this list are species that grow and propagate themselves in the Eugene area through natural processes, are adapted to the weather, soils and hydrology of the area, and have evolved in the area or been introduced to the area by natural causes. These native plant species are distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

This list applies to all habitat types, including riparian, upland and wetland areas, above 425 feet in elevation. To meet Eugene Code requirements for native plants, these species are to be used within the specified geographic area or elevation. Do not substitute alternate species. You must use the specific species, subspecies or variety listed.

Wetland Indicator Status and Site Suitability information in the table below is intended as a guideline for identifying suitable locations for plant species based on additional site characteristics, such as soils and hydrology.

Trees

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
grand fir	*Abies grandis*	NOL	UB
vine maple	*Acer circinatum*	FACU+	UB
Oregon bigleaf maple	*Acer macrophyllum*	FACU	UB
red alder	*Alnus rubra*	FAC	LB, UB
Pacific madrone	*Arbutus menziesii*	NOL	UB
incense cedar	*Calocedrus decurrens*	NOL	UB
Pacific dogwood	*Cornus nuttallii*	NOL	UB
Oregon ash	*Fraxinus latifolia*	FACW	LB, UB
Ponderosa pine	*Pinus ponderosa*	FACU	UB
black cottonwood	*Populus trichocarpa*	FAC	LB
Douglas fir	*Pseudotsuga menziesii* var. *menziesii*	NOL	UB
Oregon white oak	*Quercus garryana* var. *garryana*	NOL	UB
California black oak	*Quercus kelloggii*	NOL	UB
Pacific willow	*Salix lucida* ssp. *lasiandra*	FACW+	WE, LB
Scouler's willow	*Salix scouleriana*	FAC	LB, UB
Sitka willow	*Salix sitchensis*	FACW	WE, LB
Pacific yew	*Taxus brevifolia*	FACU-	UB

Shrubs and Vines

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
serviceberry	*Amelanchier alnifolia* var. *semiintegrifolia*	FACU	UB
tall Oregon grape	*Berberis aquifolium*	NOL	UB
common buckbrush	*Ceanothus cuneatus*	NOL	UB
redstem ceanothus	*Ceanothus sanguineus*	NOL	UB
wild clematis	*Clematis ligusticifolia*	FACU	UB
Suksdorf's hawthorn	*Crataegus suksdorfii* FAC	UB	
red-osier dogwood	*Cornus sericea*	FACW	WE, LB
California hazel	*Corylus cornuta* var. *californica*	NI	UB
salal	*Gaultheria shallon*	NOL	UB
ocean spray	*Holodiscus discolor*	NOL	UB
orange honeysuckle	*Lonicera ciliosa*	NOL	UB
hairy honeysuckle	*Lonicera hispidula*	NOL	UB
osoberry/indian plum	*Oemleria cerasiformis*	NOL	UB
mock-orange	*Philadelphus lewisii*	NOL	UB
Pacific ninebark	*Physocarpus capitatus*	FAC+	WE, LB
chokecherry	*Prunus virginiana* var. *demissa*	FACU	UB
cascara buckthorn	*Rhamnus purshiana*	FAC-	UB
straggly gooseberry	*Ribes divaricatum*	NI	UB
red currant	*Ribes sanguineum*	NOL	UB
baldhip rose	*Rosa gymnocarpa*	NI	UB
Nootka rose	*Rosa nutkana* var. *nutkana*	NI	LB, UB
thimbleberry	*Rubus parviflorus*	FACU+	UB
salmon berry	*Rubus spectabilis*	FAC	LB, UB
dewberry	*Rubus ursinus*	NOL	UB
blue elderberry	*Sambucus mexicana*	FAC-	UB
red elderberry	*Sambucus racemosa* var. *arborescens*	FACU	UB
Douglas spiraea	*Spiraea douglasii* var. *douglasii*	FACW	WE, LB
snowberry	*Symphoricarpos albus* var. *laevigatus*	FACU	UB
red huckleberry	*Vaccinium parviflorum*	NOL	UB
viburnum	*Viburnum ellipticum*	NOL	UB

Herbaceous Plants

		Wetland Indicator	Site

Common Name	Scientific Name	Status	Suitability
vanilla-leaf	*Achlys triphylla*	NOL	UB
baneberry	*Actaea rubra*	NOL	UB
pathfinder	*Adenocaulon bicolor*	NOL	UB
red columbine	*Aquilegia formosa*	FAC	LB, UB
wild ginger	*Asarum caudatum*	NOL	UB
wild aster	*Eurybia radulina* (*Aster radulinus*)	NOL	UB
lady-fern	*Athyrium filix-femina*	FAC	WE, LB, UB
American wintercress	*Barbarea orthoceras*	FACW+	LB
elegant brodiaea	*Brodiaea elegans*	FACU	UB
harvest Brodiaea	*Brodiaea coronaria*	NOL	UB
wood bittercress	*Cardamine angulata*	FACW	LB, UB
spring beauty	*Cardamine nuttallii* var. *nuttallii*	NOL	UB
miner's lettuce	*Claytonia perfoliata*	FAC	UB
candyflower	*Claytonia sibirica*	FACW	UB
tall larkspur	*Delphinium trolliifolium*	NOL	UB
bleeding heart	*Dicentra formosa*	NOL	UB
Hooker's fairy bells	*Prosartes hookeri*	NOL	UB
Watson's willow herb	*Epilobium ciliatum* var. *watsonii*	FACW-	WE, LB
Oregon fawn lily	*Erythronium oregonum*	NOL	UB
large-leaf avens	*Geum macrophyllum*	FACW+	LB, UB
lowland cudweed	*Gnaphalium palustre*	FAC+	WE
Willamette valley gumweed	*Grindelia integrifolia*	FACW	WE, LB
cow-parsnip	*Heracleum lanatum*	FAC	UB
Pacific waterleaf	*Hydrophyllum tenuipes*	NOL	UB
bog St. John's-wort	*Hypericum anagalloides*	OBL	SW, WE
tiger lily	*Lilium columbianum*	FAC	UB
miniature lupine	*Lupinus polycarpus*	NOL	UB
riverbank lupine	*Lupinus rivularis*	FAC	LB, UB
skunk cabbage	*Lysichiton americanus*	OBL	SW, WE
big smilacina	*Maianthemum racemosum*	FAC-	UB
little smilacina	*Maianthemum stellatum*	FAC-	UB
Oregon bigroot	*Marah oreganus*	NOL	UB
western bluebell	*Mertensia platyphylla*	NOL	UB
water montia	*Montia fontana*	OBL	SW, WE
aquatic claytonia	*Montia linearis*	NOL	LB, UB
small forget-me-not	*Myosotis laxa*	OBL	SW, WE
small flowered nemophila	*Nemophila parviflora* var. *nemophylla*	NOL	UB
water-parsley	*Oenanthe sarmentosa*	OBL	SW, WE
sweet cicely	*Osmorhiza berteroi*	NOL	UB
w. yellow wood sorrel	*Oxalis suksdorfii*	NOL	UB
sweet colt's-foot	*Petasites frigidus* var. *palmatus*	FACW	LB
woodland phacelia	*Phacelia nemoralis*	FACU	UB
swordfern	*Polystichum munitum*	NOL	UB

bracken fern	*Pteridium aquilinum*	FACU	UB
self-heal	*Prunella vulgaris* var. *lanceolata*	FACU+	UB
white water buttercup	*Ranunculus aquatilis*	OBL	SW,WE
woods buttercup	*Ranunculus uncinatus*	FAC	UB
willow leaved dock	*Rumex salicifolius*	FACW	WE
Pacific sanicle	*Sanicula crassicaulis*	NOL	UB
yerba buena	*Satureja douglasii*	NOL	UB
Idaho blue-eyed grass	*Sisyrinchium idahoense* var. *idahoense*	FACW	WE, LB
beautiful blue eyed grass	*Sisyrinchium bellum*	FACW-	UB
hedge-nettle	*Stachys mexicana*	FACW	LB, UB
spring queen	*Synthyris reniformis*	NOL	UB
fringecups	*Tellima grandiflora*	NOL	UB
western meadowrue	*Thalictrum occidentale*	FACU	UB
tall western meadowrue	*Thalictrum polycarpum*	NOL	UB
piggy-back plant	*Tolmiea menziesii*	FAC	LB
star-flower	*Trientalis latifolia*	FAC-	UB
sessile trillium	*Trillium albidum*	NOL	UB
western trillium	*Trillium ovatum* ssp. *ovatum*	NOL	UB
inside-out flower	*Vancouveria hexandra*	NOL	UB
American vetch	*Vicia americana*	NI	WE, LB
woodland violet	*Viola glabella*	FACW+	UB

Grasses, Sedges, Rushes

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
Sitka brome	*Bromus sitchensis*	NOL	UB
Dewey's sedge	*Carex deweyana* var. *leptopoda*	FAC+	UB
Henderson's sedge	*Carex hendersonii*	NI	LB
slough sedge	*Carex obnupta*	OBL	SW, WE
sawbeak sedge	*Carex stipata* var. *stipata*	NOL	WE, LB
needle spikerush	*Eleocharis acicularis*	OBL	SW, WE
creeping spikerush	*Eleocharis palustris*	OBL	SW, WE
blue wild-rye	*Elymus glaucus* ssp. *glaucus*	FACU	UB
tall manna grass	*Glyceria striata*	FACW+	WE, LB
meadow barley	*Hordeum brachyantherum*	FACW	WE, LB
common rush	*Juncus effusus* var. *gracilis*	FACW+	SW, WE
spreading rush	*Juncus patens*	FACW	SW, WE
lacquered rush	*Juncus laccatus*	?	SW, WE
onion grass	*Mellica subulata*	NOL	UB

Key to Wetland Indicator Status

OBL = Obligate Wetland Plants. Under normal conditions, these plants almost always occur in wetlands (estimated probability of wetland occurrence 99%).

FACW = Facultative Wetland Plants. Under normal conditions these plants are usually found in wetlands, but also may be found outside wetlands (estimated probability of wetland occurrence 67-99%)

FAC = Facultative Plants. Under normal conditions, these plants are found equally in wetlands and non-wetlands (estimated probability of wetland occurrence 33-66%).

FACU = Facultative Upland Plants. Under normal conditions, these plants are most likely to be found in non-wetlands (estimated probability of wetland occurrence 1-33%).

UPL = Obligate Upland Plants. These plants are almost always found in non-wetlands, and are expected to be found in wetlands less than 1% of the time.

NOL = Not on U.S.F.W.S. wetland plant list.

Key to Site Suitability

SW = Shallow water
WE = Water's edge
LB = Lower bank
UB = Upper bank and terraces above the ordinary high water line

Wetland indicator status information is taken from:

"National List of Plant Species That Occur In Wetlands: Northwest (Region 9)," U.S. Fish and Wildlife Service, May 1988; 1993 supplement.

Part 2

NATIVE PLANT SPECIES FOR SITES AT OR BELOW 500 FEET IN ELEVATION WITHIN THE EUGENE UGB

The plant species included in this list are species that grow and propagate themselves in the Eugene area through natural processes, are adapted to the weather, soils and hydrology of the area, and have evolved in the area or been introduced to the area by natural causes. These native plant species are distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

This list applies to all habitat types, including riparian, upland and wetland areas, below 500 feet in elevation within the UGB, *except* within the West Eugene Wetlands Plan area, and within seasonal wet prairie habitats (see Part 3). To meet Eugene Code requirements for native plants, these species are to be used within the specified geographic area and elevation. Do not substitute alternate species. You must use the specific species, subspecies or variety listed.

Wetland Indicator Status and Site Suitability information in the table below is intended as a guideline for identifying suitable locations for plant species based on additional site characteristics, such as soils and hydrology.

Trees

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
grand fir	*Abies grandis*	NOL	UB
vine maple	*Acer circinatum*	FACU+	UB
Oregon bigleaf maple	*Acer macrophyllum*	FACU	UB
white alder	*Alnus rhombifolia*	FACW	LB, UB
red alder	*Alnus rubra*	FAC	LB, UB
incense-cedar	*Calocedrus decurrens*	NOL	UB
Pacific dogwood	*Cornus nutallii*	NOL	UB
Oregon ash	*Fraxinus latifolia*	FACW	LB, UB
ponderosa pine	*Pinus ponderosa*	FACU	UB
black cottonwood	*Populus balsamifera* ssp. *trichocarpa*	FAC	LB
Douglas-fir	*Pseudotsuga menziesii* var. *menziesii*	NOL	UB
Oregon white oak	*Quercus garryana* var. *garryana*	NOL	UB
California black oak	*Quercus kelloggii*	NOL	UB
Pacific willow	*Salix lucida* ssp. *lasiandra*	FACW+	WE, LB
western yew	*Taxus brevifolia*	FACU-	UB
western redcedar	*Thuja plicata*	FAC	UB

Shrubs

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
serviceberry	*Amelanchier alnifolia* FACU var. *semiintegrifolia*	UB	
tall Oregon grape	*Berberis aquifolium*	NOL	UB
common buckbrush	*Ceanothus cuneatus*	NOL	UB
Suksdorf's hawthorn	*Crataegus suksdorfii* FAC var. *suksdorfii*	UB	
red-osier dogwood	*Cornus sericea*	FACW	WE, LB
California hazel	*Corylus cornuta* var. *californica*	NI	UB
ocean spray	*Holodiscus discolor*	NOL	UB
osoberry/indian plum	*Oemleria cerasiformis*	NOL	UB
mock-orange	*Philadelphus lewisii*	NOL	UB
Pacific ninebark	*Physocarpus capitatus*	FAC+	WE, LB
chokecherry	*Prunus virginiana* var. *demissa*	FACU	UB
cascara buckthorn	*Rhamnus purshiana*	FAC?	UB
straggly gooseberry	*Ribes divaricatum*	NI	UB
red currant	*Ribes sanguineum*	NOL	UB
baldhip rose	*Rosa gymnocarpa*	NI	UB
Nootka rose	*Rosa nutkana*	NI	LB, UB
blackcap	*Rubus leucodermis*	NOL	UB
thimbleberry	*Rubus parviflorus*	FACU+	UB
salmonberry	*Rubus spectabilis*	FAC	LB, UB
dewberry	*Rubus ursinus*	NOL	UB
Columbia River willow	*Salix fluviatilis*	OBL	SW, WE
Piper's willow	*Salix hookeriana (piperi)*	FACW	LB
Scouler's willow	*Salix scouleriana*	FAC	LB, UB
Sitka willow	*Salix sitchensis*	FACW	WE, LB
blue elderberry	*Sambucus mexicana (cerulea)*	FAC-	UB
red elderberry	*Sambucus racemosa* var. *arborescens*	FACU	UB
Douglas spiraea	*Spiraea douglasii* var. *douglasii*	FACW	WE, LB
snowberry	*Symphoricarpos albus* var. laevigatus	FACU	UB
oval-leaved viburnum	*Viburnum ellipticum*	NOL	UB

Vines

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
wild clematis	*Clematis ligusticifolia*	FACU	UB
orange honeysuckle	*Lonicera ciliosa*	NOL	UB
hairy honeysuckle	*Lonicera hispidula*	NOL	UB

Herbaceous Plants

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
vanilla-leaf	*Achlys triphylla*	NOL	UB
baneberry	*Actaea rubra*	NOL	UB
pathfinder	*Adenocaulon bicolor*	NOL	UB
red columbine	*Aquilegia formosa*	FAC	LB, UB
wild ginger	*Asarum caudatum*	NOL	UB
lady-fern	*Athyrium filix-femina*	FAC	WE, LB, UB
American wintercress	*Barbarea orthoceras*	FACW+	LB
camas	*Camassia leichtlinii*	FACW-	LB, UW
wood bittercress	*Cardamine angulata*	FACW	LB, UB
spring beauty	*Cardamine nuttallii* var. *nuttallii*	NOL	UB
small-flowered claytonia	*Claytonia parviflora*	NOL	UB
miner's lettuce	*Claytonia perfoliata*	FAC	UB
candyflower	*Claytonia sibirica*	FACW	UB
tall larkspur	*Delphinium trolliifolium*	NOL	UB
bleeding heart	*Dicentra formosa*	NOL	UB
coastal shield fern	*Dryoptera arguta*	NOL	UB
Watson's willow herb	*Epilobium ciliatum* (watsonii)	FACW-	LB
Oregon fawn lily	*Erythronium oregonum*	NOL	UB
large-leaf avens	*Geum macrophyllum*	FACW+	LB, UB
lowland cudweed	*Gnaphalium palustre*	FAC+	UB
Willamette valley gumweed	*Grindelia integrifolia*	FACW	WE, LB
cow-parsnip	*Heracleum lanatum*	FAC	UB
Pacific waterleaf	*Hydrophyllum tenuipes*	NOL	UB
bog St. John's-wort	*Hypericum anagalloides*	OBL	SW, WE
tiger lily	*Lilium columbianum*	FAC	UB
miniature lupine	*Lupinus polycarpus*	NOL	UB
riverbank lupine	*Lupinus rivularis*	FAC	UB
skunk cabbage	*Lysichiton americanus*	OBL	SW, WE
big smilacina	*Maianthemum racemosa*	FAC-	UB
little smilacina	*Maianthemum stellaum*	FAC-	UB
Oregon bigroot	*Marah oreganus*	NOL	UB
western bluebell	*Mertensia platyphylla*	NOL	UB
water montia	*Montia fontana*	OBL	SW, WE

aquatic claytonia	*Montia linearis*	NOL	LB, UB
small forget-me-not	*Myosotis laxa*	OBL	SW, WE
small-flowered nemophila	*Nemophila parviflora* var. *nemophylla*	NOL	UB
water-parsley	*Oenanthe sarmentosa*	OBL	SW, WE
sweet cicely	*Osmorhiza berteroi*	NOL	UB
w. yellow wood sorrel	*Oxalis suksdorfii*	NOL	UB
sweet colt's-foot	*Petasites frigidus* var. *palmatus*	FACW	LB
woodland phacelia	*Phacelia nemoralis*	FACU	UB
swordfern	*Polystichum munitum*	NOL	UB
Hooker's fairy bells	*Prosartes hookeri*	NOL	UB
self-heal	*Prunella vulgaris* var. *lanceolata*	FACU+	UB
white water buttercup	*Ranunculus aquatilis*	OBL	SW,WE
woods buttercup	*Ranunculus uncinatus*	FAC	UB
western dock	*Rumex occidentalis* var. *procerus*	FAC-	UB
willow leaved dock	*Rumex salicifolius*	FACW	WE
Pacific sanicle	*Sanicula crassicaulis*	NOL	UB
yerba buena	*Satureja douglasii*	NOL	UB
small-fruited bulrush	*Scirpus microcarpus*	OBL	WE
Hitchcock's blue-eyed grass	*Sisyrinchium hitchcockii*	NOL	UB
hedge-nettle	*Stachys mexicana*	FACW	LB, UB
fringecups	*Tellima grandiflora*	NOL	UB
western meadowrue	*Thalictrum occidentale*	FACU	UB
tall western meadowrue	*Thalictrum polycarpum*	NOL	UB
piggy-back plant	*Tolmiea menziesii*	FAC	LB
star-flower	*Trientalis latifolia*	FAC-	UB
sessile trillium	*Trillium albidum*	NOL	UB
western trillium	*Trillium ovatum* ssp. *ovatum*	*NOL*	*UB*
stinging nettle	*Urtica dioica*	FAC+	UB
inside-out flower	*Vancouveria hexandra*	NOL	UB
American vetch	*Vicia americana*	NI	WE, LB
woodland violet	*Viola glabella*	FACW+	UB

Grasses, Sedges, Rushes

Common Name	Scientific Name	Wetland Indicator Status	Site Suitability
Dewey's sedge	*Carex deweyana* var. *leptopoda*	FAC+	UB
Henderson's sedge	*Carex hendersonii*	NI	LB
green-fruited sedge	*Carex interrupta*	OBL	SW, WE
slough sedge	*Carex obnupta*	OBL	SW, WE
sawbeak sedge	*Carex stipata* var. *stipata*	NOL	WE, LB
needle spikerush	*Eleocharis acicularis*	OBL	SW, WE

creeping spikerush	*Eleocharis palustris*	OBL	SW, WE
blue wild-rye	*Elymus glaucus* ssp. *glaucus*	FACU	UB
tall manna grass	*Glyceria striata*	FACW+	WE, LB
meadow barley	*Hordeum brachyantherum*	FACW	WE, LB
taper-tip rush	*Juncus acuminatus*	OBL	SW, WE
three-stamen rush	*Juncus ensifolius*	FACW	WE, LB
common rush	*Juncus effusus*	FACW+	SW, WE
shiny rush	*Juncus laccatus*	NOL	SW, WE
pointed rush	*Juncus oxymeris*	FACW+	SW, WE
spreading rush	*Juncus patens*	FACW	SW, WE
slender rush	*Juncus tenuis*	FAC	LB
onion grass	*Melica subulata*	NOL	UB

Key to Wetland Indicator Status

OBL = Obligate Wetland Plants. Under normal conditions, these plants almost always occur in wetlands (estimated probability of wetland occurrence 99%).

FACW = Facultative Wetland Plants. Under normal conditions these plants are usually found in wetlands, but also may be found outside wetlands (estimated probability of wetland occurrence 67-99%)

FAC = Facultative Plants. Under normal conditions, these plants are found equally in wetlands and non-wetlands (estimated probability of wetland occurrence 33-66%).

FACU = Facultative Upland Plants. Under normal conditions, these plants are most likely to be found in non-wetlands (estimated probability of wetland occurrence 1-33%).

UPL = Obligate Upland Plants. These plants are almost always found in non-wetlands, and are expected to be found in wetlands less than 1% of the time.

NOL = Not on U.S.F.W.S. wetland plant list.

Key to Site Suitability

SW = Shallow water
WE = Water's edge
LB = Lower bank
UB = Upper bank and terraces above the ordinary high water line

Wetland indicator status information is taken from:

"National List of Plant Species That Occur In Wetlands: Northwest (Region 9)," U.S. Fish and Wildlife Service, May 1988; 1993 supplement.

Part 3

NATIVE PLANT SPECIES FOR SITES IN THE WEST EUGENE WETLANDS PLAN AREA AND IN SEASONAL WET PRAIRIE HABITAT IN OTHER GEOGRAPHIC AREAS

The plant species included in this list are species that grow and propagate themselves in the Eugene area through natural processes, are adapted to the weather, soils and hydrology of the area, and have evolved in the area or been introduced to the area by natural causes. These native species are distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

This list applies to sites within the West Eugene Wetlands Plan area and within wet prairie habitats (e.g., in Westmoreland Park and Amazon Park). To meet Eugene Code requirements for native plants, these species are to be used within the specified geographic area or elevation. Do not substitute alternate species. You must use the specific species, subspecies or variety listed.

Wetland Indicator Status and Site Suitability information in the table below is intended as a guideline for identifying suitable locations for plant species based on additional site characteristics, such as soils and hydrology.

Trees

Scientific Name	Common Name	Wetland Indicator Status	Site Suitability
Fraxinus latifolia	Oregon ash	FACW	BA, TW
Pinus ponderosa	Ponderosa pine	FACU-	BA, TN
Populus trichocarpa	black cottonwood	FAC	BA, TN
Pseudotsuga menziesii var. *menziesii*	Douglas-fir	NOL	TN
Quercus kelloggii	California black oak	NOL	TN
Quercus garryana var. *garryana*	Oregon white oak	NOL	TN
Salix sitchensis	Sitka willow	FACW	WE, BA
Salix scouleriana	Scouler's willow	FAC	BA
Salix piperi	Piper's willow	FACW	WE, BA
Salix lucida ssp. *lasiandra*	Pacific willow	FACW+	WE, BA

Shrubs

Scientific Name	Common Name	Wetland Indicator Status	Site Suitability
Amelanchier alnifolia var. *semiintegrifolia*	serviceberry	FACU	TN

Berberis aquifolium	tall Oregon-grape	NOL	TN
Corylus cornuta	western hazelnut	NI	TN
Crataegus suksdorfii	Suksdorf's hawthorn	FAC	BA, TN
Holodiscus discolor	ocean spray	NOL	TN
Lonicera hispidula	hairy honeysuckle	NOL	TN
Oemleria cerasiformis	indian plum	NOL	TN
Physocarpus capitatus	Pacific ninebark	FAC+	BA
Pyrus fusca	western crab-apple	FAC+	TN
Rhamnus purshiana	cascara	NI	TN
Rosa nutkana	Nootka rose	NI	TN
Rosa pisocarpa	clustered wild rose	FACU	TN
Spiraea douglasii var. *douglaii*	Douglas' spiraea	FACW	WE, BA, TW
Symphoricarpos albus var. *laevigatus*	common snowberry	FACU	TN
Viburnum ellipticum	Oregon viburnum	NOL	TN

Herbaceaous Plants

Scientific Name	Common Name	Wetland Indicator Status	Site Suitability
Achillea millefolium	common yarrow	FACU	TN
Alisma plantago-aquatica var. *americana*	broad-leaf water-plantain	OBL	SW, WE
Allium amplectens	slimleaf onion	NOL	TN
Aster hallii	Hall's aster	FAC	TN, TW
Bidens cernuua	nodding beggar's-tick	FACW+	WE, TW
Bidens frondosa	leafy beggar's-tick	FACW+	WE, TW
Boisduvalia densiflora	dense spike-primrose	FACW-	WE
Brodiaea hyacinthina	hyacinth brodiaea	FACU	TN
Brodiaea coronaria	harvest brodiaea	NOL	TN
Callitriche heterophylla	water-starwort	OBL	SW, WE
Camassia leichtlinii ssp. *Suksdorfii*	tall camas	FACW-	TW
Camassia quamash ssp. *maxima*common	camas	FACW	TW
Cardamine penduliflora	Willamette Valley bittercress	OBL	SW, WE, TW
Cardamine nutallii var. *nutallii*	slender toothwort	NOL	UB
Claytonia sibirica	candyflower	FACW	UB
Delphinium trolliifolium	Columbia larkspur	NOL	TN
Downingia elegans	common downingia	OBL	SW, WE
Epilobium paniculatum	autumn willow-herb	NOL	TN
Eriophyllum lanatum	woolly sunflower	NOL	TN
Eryngium petiolatum	Oregon coyote-thistle	OBL	SW, WE
Geum macrophyllum	large-leaved avens	FACW+	WE, BA

Grindelia integrifolia var. *integrifolia*	Willamette valley gumweed	FACW	WE, BA
Heracleum lanatum	cow-parsnip	FAC	BA, TN
Hydrocotyle ranunculoides	floating marsh-pennywort	OBL	SW
Lasthenia glaberrima	smooth lasthenia	OBL	SW
Lotus formosissimus	seaside lotus	FACW+	WE
Lotus pinnatus	bog lotus	FACW	SW, WE
Lotus purshianus	spanish-clover	NOL	TN
Ludwigia palustris var. *pacifica*	water-purslane	OBL	SW, WE
Lupinus polyphyllus	bigleaf lupine	FAC+	BA, TN
Marah oreganus	Oregon bigroot	NOL	TN
Microseris laciniata	cut-leaved microseris	NOL	TN
Montia linearis	narrow-leaved montia	NOL	TN
Myosotis laxa	small-flowered forget-me-not	OBL	WE
Nuphar polysepalum	pond lily	OBL	SW
Oenanthe sarmentosa	water parsely	OBL	SW, WE
Osmorhiza chilensis	sweet-cicely	NOL	TN
Perideridia gairdneri	Gairdner's yampah	FACU	TN
Plagiobothrys figuratus	fragrant popcorn-flower	FACW	SW, TW
Polygonum hydropiperoides	waterpepper	OBL	SW, WE, TW
Polystichum munitum	common sword fern	NOL	BA, TN
Potentilla gracilis var. *gracilis*	slender cinquefoil	FAC	TN
Prunella vulgaris var. *lanceolata*	self-heal	FACU+	TN
Ranunculus uncinatus	disappointing buttercup	FAC	BA
Ranunculus orthorhynchus	straight-beak buttercup	FACW-	BA
Ranunculus occidentalis	western buttercup	FACW	BA
Ranunculus aquatilis	white water-buttercup	OBL	SW, WE, TW
Rorippia curvisiliqua	western yellowcress	FACW+	WE, TW
Rubus ursinus	Pacific blackberry	NI	TN
Rumex salicifolius	willow-leaved dock	FACW	TW
Sanicula crassicaulis var. *crassicaulis*	western sanicle	NOL	TN
Saxifraga oregana	Oregon saxifrage	FACW+	WE, BA
Sidalcea cusickii	Cusick's checkermallow	NOL	WE
Sparganium emersum	simple-stem bur-reed	OBL	SW, WE, TW
Stachys rigida	rigid hedge-nettle	FACW-	BA
Tellima grandiflora	fringecups	NOL	TN
Trillium albidum	sessile trillium	NOL	TN
Typha latifolia	broad-leafcattail	OBL	SW, WE
Veratrum californicum var. *caudatum*	tailed false-hellebore	OBL	SW, WE
Veronica americana	American speedwell	OBL	SW, WE
Veronica scutellata	marsh speedwell	OBL	SW, WE
Wyethia angustifolia	narrow-leaf wyethia	FACU	TN
Zigadenus venenosus	death camas	FAC	TW, TN

var. *venenosus*

Grasses, Sedges and Rushes

Scientific Name	Common Name	Wetland Indicator Status	Site Suitability
Agrostis exarata	spike bentgrass	FACW	BA, TW
Alopecurus geniculatus	water foxtail	FACW+	BA, TW
Beckmannia syzigachne	American slough grass	OBL	SW, WE
Carex densa	dense sedge	OBL	SW, WE
Carex deweyana var. *leptopoda*	Dewey's sedge	FAC+	BA, TW
Carex lanuginosa	woolly sedge	OBL	SW, WE
Carex leporina	hare sedge	FAC	BA, TW
Carex obnupta	slough sedge	OBL	SW, WE
Carex unilateralis	one-sided sedge	FACW	WE, TW
Danthonia californica	California oatgrass	FACU-	TN
Deschampsia cespitosa	tufted hairgrass	FACW	TW
Deschampsia danthonioides	annual hairgrass	FACW-	TW
Deschampsia elongata	slender hairgrass	FACW-	TW
Eleocharis acicularis	needle spikerush	OBL	SW, WE
Eleocharis ovata	ovoid spike-rush	OBL	SW, WE
Eleocharis palustris	creeping spikerush	OBL	SW, WE
Elymus glaucus ssp. *glaucus*	blue wildrye	FACU	TN
Glyceria occidentalis	western mannagrass	OBL	SW, WE
Hordeum brachyantherum	meadow barley	FACW	WE, TW
Juncus acuminatus	tapered rush	OBL	SW, WE
Juncus articulatus	jointed rush	OBL	SW, WE
Juncus nevadensis	Sierra rush	FACW	WE, TW
Juncus oxymeris	pointed rush	FACW+	WE, TW
Juncus patens	spreading rush	FACW	WE, TW
Juncus tenuis var. *tenuis*	slender rush	FAC	BA, TW
Koeleria cristata	junegrass	NOL	TN
Panicum occidentale	western witchgrass	FACW	WE, TW
Scirpus validus	softstem bulrush	OBL	SW, WE

Key to Wetland Indicator Status

OBL = Obligate Wetland Plants. Under normal conditions, these plants almost always occur in wetlands (estimated probability of wetland occurrence 99%).

FACW = Facultative Wetland Plants. Under normal conditions these plants are usually found in wetlands, but also may be found outside wetlands (estimated probability of wetland occurrence 67-99%)

FAC = Facultative Plants. Under normal conditions, these plants are found equally in wetlands and non-wetlands (estimated probability of wetland occurrence 33-66%).

FACU = Facultative Upland Plants. Under normal conditions, these plants are most likely to be found in non-wetlands (estimated probability of wetland occurrence 1-33%).

UPL = Obligate Upland Plants. These plants are almost always found in non-wetlands, and are expected to be found in wetlands less than 1% of the time.

NOL = Not on U.S.F.W.S. wetland plant list.

Key to Site Suitability

SW = Shallow water
WE = Water's edge
BA = Bank
TW = Top of Bank, wetland (e.g., where prairie wetlands exist adjacent to a stream or channel)
TN= Top of Bank, non-wetland

Wetland indicator status information is taken from:

"National List of Plant Species That Occur In Wetlands: Northwest (Region 9)," U.S. Fish and Wildlife Service, May 1988; 1993 supplement.

Part 4

NON-NATIVE, INVASIVE PLANT SPECIES KNOWN OR LIKELY TO OCCUR WITHIN THE EUGENE URBAN GROWTH BOUNDARY

The plant species included in this list are species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities. In addition, these species escape from cultivated settings and spread aggressively into natural areas, and are capable of displacing large areas of native vegetation. These non-native, invasive plant species are distinguished from those native species that grow and propagate themselves in the Eugene area through natural processes, are adapted to the weather, soils and hydrology of the area, and have evolved in the area or been introduced to the area by natural causes.

This list applies to all habitat types within the Eugene Urban Growth Boundary. To meet Eugene Code requirements for removal of non-native, invasive plants, you must remove the specific species, subspecies or variety listed.

Scientific Name	Common Name	Notes	Reference
Acer platanoides	Norway maple	Invasive tree spreading into forested natural areas around town including Skinner's Butte.	1
Aesculus hippocastanum	horsechestnut	Populations have been found in south end of Hendricks Park and this species is known to be problematic in other cities.	1
Ailanthus altissima	tree-of-heaven	Invasive tree that is problematic in City parks, alleys, and undeveloped property. This species is capable of becoming established through cracks in concrete.	1,3
Alliaria petiolata	garlic mustard	One of the most invasive forest under story plants in the east and Midwest, starting to establish in the Seattle area. Documented as present in Portland and Eugene	1, 4
Anchusa azurea	anchusa; common bugloss	Exploding in large patches roadside and in woods in western Benton County. Also known recently from Lane and Clackamas counties.	1, 3
Arum italicum	Arum	While it appears to be moved primarily by humans, it occasionally is found away from human activity areas. Once established, it is extremely difficult to remove.	1
Betula pendula/pubesc	European birch	This species is spreading rapidly along waterways and is now established along the entirety of Amazon Creek from near its headwaters to Fern Ridge	5

ens		Reservoir.	
Brachypodium sylvaticum	false-brome	Highly invasive grass rapidly spreading through forests and along rivers in our area in numerous places including Alton Baker Park. It has the potential to permanently alter the forest under story, as it out-competes most other species and no control is known.	1, 3, 4
Buddleia alternifolia, Buddleia davidii	fountain butterfly bush	Both butterfly bushes displace native willows which are essential host plants for native butterflies.	1, 4
Clematis vitalba	traveler's-joy	Invasive climber comparable to English ivy is a problem in areas of Portland and Seattle. Currently appearing in several areas along the Willamette River with large populations established on Skinner Butte.	1, 3, 4
Cotoneaster franchettii	cotoneaster	Occurring in native prairies and woodland edges. (Cotoneaster franchetti, C. horizontalis, C. parneyi, etc. Best to avoid all cotoneasters.)	1
Cotoneaster horizontalis	cotoneaster	Occurring in native prairies and woodland edges. (Cotoneaster franchetti, C. horizontalis, C. parneyi, etc. Best to avoid all cotoneasters.)	1
Crataegus monogyna	English hawthorn	This species is well established and spreading rapidly into woodlands and prairies throughout town. It interbreeds with the native hawthorn creating hybrids that are difficult to accurately identify.	1, 3, 4
Cynoglossum officinale	common houndstongue	This common garden species has escaped and appears regularly in several City parks, along waterways and in unimproved alleys.	2, 3
Cytisus monspessulana	French broom	This species is a serious problem in CA and OR south coast and is now appearing in Eugene	1, 2, 3, 4
Cytisus scoparius	Scot's broom	Dense populations established along the Willamette, in the south hills, throughout the West Eugene Wetlands, along roadways and railways and in several city parks. Avoid use of all brooms.	1, 2, 3, 4
Daphne laureola	spurge laurel	Spread by birds into forested areas throughout town.	1, 3
Digitalis purpurea	foxglove	This common and attractive garden wild flower escapes easily and forms dense populations. It is becoming well established in some areas along the Willamette River.	1, 3

Genista monspessulana	broom	This species is a serious problem in CA and along the south OR coast. Now beginning to appear in Eugene.	
Geranium lucidum	shining crane's-bill	Beginning to dominate forest understories in south Eugene.	1
Geranium robertianum	herb robert	Dominates forest understories in several areas in Eugene including Hendrick's park. This species is spreading rapidly throughout town.	1, 3, 4
Glecoma hederacea	ground ivy; creeping Charlie	Can become a dominant plant in moist, shady riparian areas.	
Hedera helix	English ivy	Spreads vegetatively in forested and open areas. Seeds spread mostly by exotic birds including starlings. This species is an extensive and widespread problem throughout Eugene, especially in forested areas and along the Willamette River.	1, 2, 3, 4
Hypericum perforatum	St. John's wort	This species invades meadows, trailsides, roadsides, and other areas throughout town.	1, 2, 3, 4
Ilex aquifolium	English holly	Spread by birds and appears regularly in forest understories throughout town.	1, 3
Iris pseudoacorus	yellow flag iris	Forms monocultures in wetlands. This species has established in Bertelsen Slough, Amazon Creek, Flat Creek, Spring Creek and along the Willamette River.	1, 3
Juniperus virginiana	eastern redcedar	Birds eat berries and spread seeds.	1
Lamiastrum galeobdolan	Yellow archangel	Primarily spread by humans. Very aggressive, primarily moving out from landscaped areas. Has escaped in Springfield, Corvallis, and in Seattle, where a botanist says it "covers hillsides."	1
Lathyrus sp.	latifolius sweet, perennial or everlasting pea	Well-established, primarily along roadsides and hedgerows, large population on Chamber's connector. Listed in "Weeds of the West"	1
Leucanthemum vulgare	oxeye daisy	This species is common in commercial "wildflower mixes". It has become widely established in meadows in West Eugene, Amazon Park, and along roadsides and mowed waterways. Formerly Chrysanthemum leucanthemum.	1, 3, 4

Ligustrum vulgare	common privet	Birds eat fruits and spread plants into woods and prairies.	1
Linaria vulgaris	yellow toadflax	Roadside weed expanding into prairies.	1, 2, 3, 4
Lotus corniculatus	birdsfoot trefoil	Sold in pasture mixes. This species has invaded wetland areas throughout town including most drainage channels.	1, 3
Lunaria annua	honesty; money plant	Invasive in forest understories.	1
Lysimachia nummularia	moneywort	Regular dominant of riparian wetlands in our areas, both in sun and shade.	1
Lythrum salicaria	purple loosestrife	This species forms monocultures in wetlands and is a species of national concern. Although not yet widespread, populations have been found in Amazon Creek and Willamette River and appear to be expanding.	1, 2, 3, 4
Melissa officinalis	lemon balm	Widespread weed in native prairies and openings in woods.	1
Mentha pulegium	Mentha pulegium	Forms large monocultures in emergent wetlands in West Eugene, displacing native wetland plants.	1
Myriophyllum spicatum	Eurasian watermilfoil	Includes water-milfoils. Myriophyllum aquaticum (M. brasiliense; parrot's feather) and M. spicatum (Eurasian milfoil) are common aquatic species in waterways and ponds throughout Eugene.	1, 2, 3, 4
Myosotis scorpioides	common forget-me-not	Can dominate forest understories, especially openings and on edges.	1
Myriophyllum ssp.	parrot's feather, et. al.	This genus of floating aquatic plants includes the water milfoils. Myriophyllum aquaticum (parrot's feather) is the major offender, and Myriophyllum spicatum (Eurasian milfoild) is also very damaging.	1
Phalaris aquatica	Harding grass	This wetland species is found in slightly drier conditions than P. arundinacea. While populations are not yet as widespread as P. arundinacea, populations are rapidly expanding.	1, 3, 4
Phalaris arundinacea	reed canarygrass	This species forms dense monocultures and is one of the most widespread species in all types of wetlands	1, 3, 4

		throughout Eugene. It permanently and dramatically effects ecosystems where it has become established. This species is still sold commercially.	
Polygonum cuspidatum (and related species and hybrids)	Japanese knotweed	This species forms riparian monocultures. This species is not yet common in Eugene but populations are becoming more common and larger. It is already a significant problem in the Portland and Seattle areas. Avoid all the large knotweeds.	1, 2, 3
Populus alba	white poplar	This species spreads rapidly via suckers and is difficult to remove once established. It also quickly becomes a hazard tree as the brittle branches are prone to breakage. This species is found is several City parks including Alton Baker Park.	3
Prunus avium	sweet cherry	This species is spread by birds into forested areas and is a quite common understory invader in forested areas throughout Eugene.	1, 3, 4
Prunus cerasifera	thundercloud plum	Grafted species and rootstocks that sucker and flower, produce fruit which is spread easily by birds. This species is appearing in prairie areas in West Eugene and woodland edges throughout town.	1
Prunus domestica	plum	Not as invasive as P. avium.	1
Prunus laurocerasus	English laurel	This common hedge evergreen is spread by birds and appears regularly in forested understories, especially at Skinner Butte, Morse Ranch, and Hendricks Park.	1, 3
Prunus lusitanica	Portugal laurel	Similar to P. laurocrasus, this species appears regularly in forest understories.	1
Prunus mahaleb	mahaleb cherry	Birds spread seeds of this species, which is common in the understories of forested areas and woodland edges throughout town.	3
Pueraria montana var. *lobata*	kudzu	While populations have not been found in Eugene, two occurrences have been noted in the Willamette Valley. This species has devastated plant communities in southern and eastern states.	1, 2, 4
Pyracantha spp.	fire thorn	Birds eat fruits and spread plants into prairies. P. angustifolia, P. coccinea, et al.	1
Pyrus communis	pear	This species appears occasionally in prairie areas and shrub/scrub communities throughout town.	5

Ranunculus ficaria	lesser celandine	Highly invasive in Hendricks Park and Mt. Pisgah Arboretum. Once established populations are extremely difficult to control.	1
Ranunculus repens	creeping buttercup	This species is allelopathic. It forms large monocultures, especially in moist areas. It is common in many of our parks including Tugman Park.	1
Robinia pseudoacacia	black locust	Widely escaped east of Cascades, beginning to naturalize on West Side (Portland area, Benton County, Lane County.) This species can form woodland monocultures.	1, 3
Rorippa nasturtium-aquaticum	watercress	Chokes out small waterways on the valley floor.	1, 3
Rosa eglanteria	sweet-briar	This species easily invades prairie areas and is common throughout town especially in West Eugene.	1, 3
Rosa multiflora	multiflowered rose	This species, similar to R. eglantaria, is a common problem in west Eugene wetlands and Fern Ridge Wildlife Area.	1
Rubus armeniacus (discolor)	Himalaya or Armenian blackberry	One of the most widespread exotic species in the Pacific Northwest. Populations are well established in all plant communities throughout Eugene.	1, 3, 4
Rubus laciniatus	evergreen blackberry	Not as invasive as R. armeniacus, but still forms dense clumps.	1, 3
Sorbus aucuparia	European mountain-ash	Appearing in west Eugene wetlands and uplands. Birds spread seed.	1, 3
Ulex europeaus	gorse	A massive problem on the OR coast, now beginning to appear in the Willamette Valley. Extremely difficult to remove.	1
Vinca major	periwinkle; vinca	Mostly near old homesites -- they appear to spread vegetatively only. Completely dominates understories.	1
Vinca minor	periwinkle; vinca	Mostly near old homesites -- they appear to spread vegetatively only. Completely dominates understories.	1, 3